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INTERNATIONAL TERRORISM

GOVERNMENT

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON

THE NEAR EAST AND SOUTH ASIA

OF THE

COMMITTEE ON FOREIGN AFFAIRS

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

JUNE 11, 18, 19, AND 24, 1974

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WASHINGTON : 1974

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CONTENTS

Preface.....	Page v
--------------	-----------

LIST OF WITNESSES

Tuesday, June 11, 1974:	
Hoffacker, Hon. Lewis, Special Assistant to the Secretary and Co-ordinator for Combating Terrorism, Department of State.....	2
Tuesday, June 18, 1974:	
Lefever, Dr. Ernest, Senior Fellow, Brookings Institution.....	38
Methvin, Eugene H., senior editor, Reader's Digest.....	31
Wolf, Dr. John B., chairman, Department of Criminal Justice, Union College.....	48
Wednesday, June 19, 1974:	
Falk, Dr. Richard A., professor, Center for International Studies, Princeton University.....	111
Lockwood, Dr. Bert B., Jr., senior fellow, Center for International Studies, New York University.....	83
Monday, June 24, 1974:	
Jenkins, Brian, consultant, The Rand Corp.....	135

STATEMENTS, ARTICLES, AND MEMORANDUMS SUBMITTED FOR THE RECORD

Test of Security Council Resolution 347, condemning terrorism; Statements of U.S. Representative to the United Nations John Scali; and State Department comments.....	8
Memorandum on Cabinet committee and working group to combat terrorism.....	13
Synopsis of and excerpts book "Terror in Quebec," submitted by Eugene H. Methvin.....	73
Article "Preliminary Thoughts Toward an International Convention on Terrorism," by Thomas M. Franck and Bert B. Lockwood, Jr., from The American Journal of International Law, vol. 68, No. 1, January 1974.....	89

APPENDIXES

1. Biographies of witnesses:	
Richard A. Falk.....	161
Hon. Lewis Hoffacker.....	165
Brian M. Jenkins.....	166
Ernest W. Lefever.....	167
Bert B. Lockwood, Jr.....	168
Eugene H. Methvin.....	168
John B. Wolf.....	169
2. "International Terrorism," briefing paper prepared by the Library of Congress.....	170
3. "The Concept of Revolutionary Terrorism," by Martha C. Hutchinson, University of Virginia.....	176
4. "A Mideast Profile: The Cycle of Terror and Counterterror," by John B. Wolf.....	189
5. Articles on Terrorism, from the Washington Star-News and Reader's Digest.....	196
6. "The Unmaking of a 'Documentary'—Film vs. Fact," by Ernest W. Lefever.....	207

PREFACE

The Middle East equation in 1974 was a combination of several hopeful signs and a few disturbing factors. On the plus side, we are well aware of the disengagement agreements the United States helped to promote, the increased willingness of parties of the Arab-Israeli conflict to seek peaceful, as opposed to military, means for solving their disputes, and the improved relations between the United States and the Arab world which were achieved without, in any way, jeopardizing close United States-Israeli ties.

Heading any list of negative factors which threaten the important, initial steps in building a structure of peace in the Middle East is terrorism and the hostilities engendered by it. This cycle of violence is as old as the conflict, but in the last few years it has raised its ugly head in a new, more organized and more public fashion than at any time since Arabs and Jews began fighting in Palestine near the dawn of this century.

This increased violence in the Middle East comes at a time when throughout the world prophets of doom and despair are using violent acts and other terrorist tactics in order to promote political causes, attract political and media attention, impose the validity of one particular viewpoint by horror and fear, and promote the tyranny of the minority.

In the Middle East, this worldwide phenomenon poses special risks. This form of violence, if unchecked, could very well drive the area back to war in the coming months and years. This cycle of violence must be stopped: It both threatens peace and U.S. interests in the Middle East. These facts are well known as is the burden they place on negotiations.

But what is less known is what steps can be taken to curb this cycle of violence in the Middle East and elsewhere and to counter the psychology of those who resort to such tactics and claim success. We are only beginning to address and understand the international dimensions of this problem.

To gain a better perspective on this important issue, the Subcommittee on the Near East and South Asia held four hearings on the general problem of international terrorism and counter-terrorism. While we were interested in finding some policy guidelines for the Middle East, we were equally interested in acquiring a greater understanding of the global policy problem which this international cycle of violence poses for the United States.

These hearings proved to be as frustrating as coming to comprehend all the policy ramifications the subject matter poses. Regardless of your orientation or political perspective, you can find in these hearings analyses of the causes and the nature of terrorism which you can support. Moving beyond trying to offer concrete and practical suggestions for the hows and whats of a U.S. policy on the issue, however,

was exceedingly difficult for all witnesses. No easy answers exist and if, in the case of the Middle East, you add the deep emotional issues this subject raises for all parties, you are left with little maneuverability in trying to stop this violence or prevent its success.

AN ASPECT OF THE MIDDLE EAST PROBLEM

On June 25, the day after these four hearings were completed, I wrote the State Department to indicate my concern about the cycle of violence in the Middle East and asked the Department to comment on the possibility of creating a United Nations force to seal off the Israeli-Lebanese border. This seemed like a practical way to try to deal with a focal point of the current cycle of violence in the Middle East. It is across that border that Palestinian guerrillas have traveled to attack sites and people in Israel and across that border which the Israeli army retaliates and tries to destroy the bases of the guerrillas.

This suggestion, like others pursued during the hearings, did not receive a clear or reassuring answer. The reply of the Department of State which follows is indicative of some of the difficulties encountered in trying to deal with Middle East violence.

DEPARTMENT OF STATE,
Washington, D.C., August 6, 1974.

HON. LEE H. HAMILTON,
Chairman, Subcommittee on the Near East and South Asia, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to thank you for your letter of June 25 in which you expressed concern over the cycle of terrorism and counter-terrorism in the Middle East and requested our assessment of the possibility of establishing a United Nations force to seal off the Lebanese-Israeli border.

You are quite right in pinpointing the Lebanese-Israeli border as a source of serious potential danger to the stability of the Middle East. In June we witnessed further acts of violence across this border. If continued, the cycle of violence could undermine the progress we have already made in our Middle East peace initiative and make further advances much more difficult.

We have tried to contain this violence by diplomatic means, and the relative quiet that has prevailed along the border more recently shows that we have had some success. Nonetheless, we realize that this calm is precarious, and we have been examining other means for stabilizing the situation. We recognize the presence of U.N. peacekeeping machinery has proven helpful in many conflict situations around the world. The idea of a United Nations force along the border has come up a number of times in recent years when there has been serious trouble along the Lebanese-Israeli border. Unfortunately, there are serious questions about the practical feasibility of this idea. One problem is that the area involved, in addition to being extensive, is mountainous and in many places heavily wooded, so that a large force would be required even to attempt to seal the border. Another is that such a force, if effective, would be vulnerable to attack by terrorist elements not under the control of the Lebanese Government. In saying the foregoing, we are not ruling out the possibility of a U.N. force along the Lebanese-Israeli border at some stage, although it is not something that either side is presently proposing.

There are now thirty-five United Nations observers along the Lebanese side of the border. They have no police authority; their mandate is to report any violations of the Israeli-Lebanese Armistice Agreement of 1949, including illegal crossings by regular or irregular forces. Israel has not accepted U.N. observers along its side of the Lebanese border.

Our hope is that continued progress in the Middle East negotiations toward an equitable, permanent settlement will in the end resolve the problem of violence across the Lebanese-Israeli border. It is possible that these negotiations might bring about agreement on the augmentation of the current United Nations presence along the border, but of course such a step would have to be weighed very carefully and would require the agreement of the parties.

The Secretary very much appreciates your concern, as well as that of other members of Congress, over this crucial issue. Please do not hesitate to let me know if I may be of further assistance.

Cordially,

LINWOOD HOLTON,
Assistant Secretary for Congressional Relations.

A GLOBAL POLICY

International terrorism and U.S. policy toward terrorism has only recently begun to receive appropriate attention. The United States has developed a fairly strong public policy against acceding to ransom demands and against negotiating with any terrorists. While this stated policy may seem to be hardline, our private responses appear to be more flexible. In any case, U.S. policy needs continual review, greater and broader articulation and ample explanation. This policy also needs to focus on the Middle East. We should be working with all interested parties in developing just policies to curb terrorism and to decrease the tension in the Middle East created by this cycle of violence.

These hearings address an important policy issue of today, and unfortunately, one which witnesses agreed will be with us for many years to come. While few explicit policy suggestions are offered in these hearings, several viewpoints on this problem are developed and even though you may not agree with one or another of the viewpoints expressed, each is representative of some school of thinking on the issue. Members of Congress and Americans interested in the policy problems posed by international terrorism will find these hearings informative, if not prescriptive.

In the Middle East it would appear that, as the State Department suggested in its reply dealing with the possibility of creating a U.N. force to seal off the Israeli-Lebanese border, the best hope for countering the cycle of violence is through the success of negotiations for a settlement of the Arab-Israeli conflict. For the uneasy interim, this answer, while perhaps honest, is neither hopeful nor instructive for the innocent people who live in the Middle East and elsewhere who might be affected by violence. A Middle East policy which includes an effective sealing of the Israeli-Lebanese border would appear to be an urgent need. As the past shows, policy problems in the Middle East which are allowed to drift too long have a tendency to ignite.

LEE H. HAMILTON,
*Chairman, Subcommittee on the
Near East and South Asia.*

NOVEMBER 6, 1974.

INTERNATIONAL TERRORISM

TUESDAY, JUNE 11, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON THE NEAR EAST AND SOUTH ASIA,
Washington, D.C.

The subcommittee met at 2:15 p.m. in room H-236, the Capitol, Hon. Lee H. Hamilton (chairman) presiding.

Mr. HAMILTON. The meeting of the subcommittee will come to order.

The Subcommittee on the Near East and South Asia begins a series of four hearings on the general subject of terrorism and counter-terrorism.

In our session today and in those in the next 2 weeks with private witnesses, we are interested in examining the cycle of terrorism and counter-terrorism, various ways of trying to stop this cycle, and policies which the United States should be considering to deal with the problem of curbing terrorism and of seeking to deal with the circumstances which give rise to terrorism and counter-terrorism.

None of the witnesses who will appear before this subcommittee in this series is a Middle East specialist. All witnesses, however, have been studying and writing about terrorism and will try to relate their work to the particular problems we now encounter in the Middle East.

It remains a constant in the context of the Middle East that no settlement of the Arab-Israeli conflict will be achieved or can endure if the legitimate rights of the Palestinians are not addressed and if terrorist acts in the Middle East and elsewhere related to the Palestinian problem do not cease. Terrorism must cease and so must counter-terrorism: One feeds on the other and the cycle can only escalate if we do not seek to end it.

At some point in the future, the subcommittee may seek to hear Israeli and Palestinian perspectives on the important problem.

Those perspectives are essential to any overall assessment of this problem. Our objective now, however, is more limited. We seek to scrutinize the more general problem and relate generalized conclusions and prescriptions to the Middle East.

Today, we will examine U.S. policy and thinking on this issue. We are happy to have with us Ambassador Lewis Hoffacker, Special Assistant to the Secretary and Coordinator for Combating Terrorism, Department of State. Mr. Hoffacker is a Foreign Service officer who recently served as U.S. Ambassador to the Cameroons.

We welcome you.

You have a statement and you may proceed as you wish, Mr. Ambassador.

**STATEMENT OF HON. LEWIS HOFFACKER, SPECIAL ASSISTANT TO
THE SECRETARY AND COORDINATOR FOR COMBATING TERROR-
ISM, DEPARTMENT OF STATE**

Mr. HOFFACKER. Thank you, Mr. Chairman.

It is a pleasure, Mr. Chairman, to meet you again, this time to share with your committee the experience of our interagency activity which began in September 1972, when the President asked the Secretary of State to chair a Cabinet committee (Cabinet Committee: Secretary of State, Chairman; Secretaries of Treasury, Defense, and Transportation; the Attorney General; the U.S. Ambassador to the United Nations; the Director of the FBI; the Director of Central Intelligence; and the President's Assistants for National Security and Domestic Affairs) to consider, in his words, "the most effective means to prevent terrorism here and abroad."

CABINET COMMITTEE AND WORKING GROUP

Senior representatives of the Cabinet Committee and others comprise a working group, which I head as Chairman and which meets regularly as issues and incidents arise.

Within the Department of State, I serve as Special Assistant to the Secretary and coordinator for combating terrorism. In both capacities, I am essentially a coordinator.

I should like to emphasize at the outset that individual departments and agencies represented on the Committee and Working Group continue to manage programs dealing with terrorism under their respective mandates. The important difference is that these efforts, which deserve individual commendation, are now fully coordinated and consequently result in a greater deterrent to potential terrorists.

Over the past 1 year and 9 months this interagency effort has been extremely active and, in my view, has made us as a government more effective in responding to the continuing threat from a variety of organizations or individuals seeking to strike at us at home and abroad.

This is not to say that we have solved all the problems facing us. But we are using Government-wide resources to better advantage and have at least reduced the risk to our people and our foreign guests.

PROTECTING AMERICANS

The Cabinet Committee-Working Group has, as a matter of practice, concentrated on protection of Americans abroad and on foreigners in this country. With respect to Americans at home, there are the customary agencies, local and Federal, which continue their traditional responsibilities.

Should domestic violence, however, develop international potentialities or connections, the Cabinet Committee-Working Group is a useful instrument to insure collaboration between and among agencies and departments with domestic and foreign responsibilities and to recommend countermeasures which may close gaps in the security screen around individuals we protect. For example, we monitor the implementation of Public Law 92-539, which gives the FBI concurrent jurisdiction with local agencies in protection of foreign officials and official guests.

If in the light of experience, there is room for improvement in the dovetailing of the local and Federal protection in this regard, modification of practice or legislation would be a matter of concern to the Cabinet Committee-Working Group.

We conscientiously emphasize the preventive aspect of our mandate. Therefore, our main efforts are improving procedures in this country and abroad to deter terrorists. We have been in the forefront of those who have sought tightened international air security. At the U.N. we sought to prohibit the export of violence to innocent persons who are many countries, sometimes continents, removed from the scene of a conflict.

ACHIEVEMENTS TO DATE

The most we have been able to achieve thus far has been a convention for protection of diplomats. Regrettably the international community, as represented in International Civil Aviation Organization and at the U.N. is not, in the present international climate, prepared to take more forthright steps to deal collectively with the global threat of terrorism.

When we cannot agree on countermeasures by multilateral agreement, which remains our strong preference, we resort to bilateral cooperation, usually through quiet diplomacy but at times bilateral agreements like the one with Cuba signed in February 1973, to help curb hijackers who found Havana a convenient haven.

We attempt to get other governments to agree to our approach to terrorism because we believe that if members of the world community do not stand together in meeting this challenge, they will be played off one against the other by terrorists.

We seek common accord on such principles as the following: Individuals or groups who attack innocent bystanders for political or ideological reasons should be arrested or extradited to an appropriate jurisdiction, where, if convicted, they should be held for the full term of their sentences. Governments, companies, and individuals should resist paying ransom or other forms of blackmail to such criminals. The Government in whose territory a terrorist act is committed is legally responsible for protection and rescue of foreigners threatened by terrorists, but the United States, if its citizens or interests are involved, will take an active supportive role in such protection or rescue.

PREPARED TO ACT SWIFTLY

In spite of our best efforts an act of terrorism could occur. We are prepared to deal with it swiftly and effectively. Within the Department of State, task forces can be assembled on short notice to manage such events as the attack on the Beirut branch of the Bank of America some months ago, the kidnapping of emigrant Jews in Austria as they moved from Russia to Israel, the periodic hijackings which have transited the Middle East, and the shipjacking incidents in Karachi and Singapore harbors some months ago.

Currently we are heavily involved in two rescue operations—the search for our missing vice consul in Hermosillo and the recovery of four Americans and two Canadians being held by Eritrean resistance elements in Ethiopia.

Even though our people or interests may not be directly involved in such incidents, we may choose to follow them to learn what we can about the tactics of terrorists and to counsel governments appropriately.

As a global power with global responsibilities and concerns covering this continuing international challenge of terrorism, we are not hesitant to advise other governments as to an appropriate response to this challenge.

Naturally we sometimes encounter national sensitivities since individual countries rightfully wish to assert sovereignty in decisions within their territories.

OBLIGATIONS OF GOVERNMENTS

Nevertheless, we believe that each government, as a member of the world community, has an obligation to deal effectively and fairly with terrorists and is not behaving responsibly if it merely ignores the problem or transfers it to other countries.

The Middle East has been the source of much terrorism, which has provoked retaliation with further loss of lives.

Following the recent incident in Qiryat Shmona, when we deeply deplored the loss of innocent lives, there were raids on Lebanon, which we similarly regretted.

The continuing cycles of violence threaten to obstruct the achievement of a peaceful settlement in that troubled part of the world.

Fortunately recent terrorist incidents in the Middle East, followed by retaliation, have not stopped the progress toward a settlement.

We all rejoice in the latest steps in that direction—the disengagement of Syrian and Israeli forces and the prospect for further progress in the Geneva context.

GUARD AGAINST TERRORISTS

As we do our utmost to facilitate the noble objective of a Middle East peace, we and others engaged in this pacific endeavor must keep up our guard against the continuing threat of those terrorists who have the mistaken notion that they can turn back this strong tide toward peace.

We and like-minded governments are determined not to be intimidated by such tactics as we attempt to keep up the momentum toward a permanent settlement. It is the momentum and its outcome which inspire our hopes for stability and nonviolence in the future Middle East.

We have attempted to show leadership in stimulating a global preoccupation with this apparently growing international threat. We have not achieved all that we have sought in international cooperation.

Our multilateral, bilateral, and unilateral efforts must, however, continue because the outlook is not as promising as it might be. There seems to be increased collaboration among terrorists groups of different nationalities. Such groups seem to be moving farther and farther afield, including toward North America.

There is moreover evidence of ample financial sources for some terrorist groups not only from ransoms collected but also from govern-

ments which, for one reason or another, are sympathetic toward certain terrorist groups.

FRUSTRATIONS THAT FEED TERRORISM

And, last but not least, there seems to be no shortage of politico-economic-social frustrations to spawn terrorists on all continents.

Accordingly, we must increase our vigilance, our expertise, and our determination in the face of what may be an expanding threat to our personnel and other interests abroad, as well as on the home front. In fact, this global epidemic still threatens the very fabric of international order.

We as a government must maintain a position of firmness—and I might add, sensitivity—in responding to these vicious attacks against our citizens and other interests. As we seek to defend ourselves against this viciousness, we are not unmindful of the various motivations, both real and conjured of individuals and organized terrorist groups who have chosen terrorism as the way to obtain their objectives.

As ways are found to convince them to reason otherwise, they must be made to understand quickly that it is totally unacceptable to maim and kill innocent people to obtain any objective.

Moreover, we as a government have a continuing obligation to safeguard the most fundamental right of all—the right of life. There is no reason why protection of this right and of our citizens need necessarily conflict with other human rights such as self-determination and individual liberty.

Mr. HAMILTON. Thank you, Mr. Ambassador.
Mr. Wilson.

DOMESTIC TERRORISM

Mr. WILSON. Ambassador Hoffacker, you have mentioned that there was some relationship, and I think there has been a lot of speculation, but really you don't deal with domestic terrorism such as the Symbionese Liberation Army?

Mr. HOFFACKER. No, we don't; but since the FBI is part of our working group we look through FBI eyes at the Hearst case, for example. We look for any international potential. We don't interfere with the FBI's jurisdiction or local jurisdictions, but we look at terrorism as an international problem. As you may recall, there were certain hints of international aspects in the Hearst case, and so we are watching it.

Mr. WILSON. There have been cases where people that were not citizens of the United States kidnaped somebody and, for instance, asked for the release of Sirhan Sirhan.

Mr. HOFFACKER. Yes, sir; that triggers us quickly.

Mr. WILSON. Right. Do you participate in the U.S. actions in the United Nations when a terrorist act occurs?

Mr. HOFFACKER. Yes.

Mr. WILSON. Well, why did the United States then agree to the resolution that condemned Israel for the retaliations this spring without mentioning the terrorist activities that caused them?

Mr. HOFFACKER. Are you thinking of the Shmona incident?

RECENT U.S. STAND IN UNITED NATIONS

Mr. WILSON. Yes; and a lot of Israelis feel that if the United States had not done that, Maalot would not have taken place.

Mr. HOFFACKER. Well, we would have preferred to mention Qiryat Shmona in that resolution but we didn't succeed in so doing. The resolution nevertheless came out as a fairly strong resolution with that important weakness. We went along with it and Ambassador Scali issued a statement simultaneously with the resolution and it puts us on record.

Mr. WILSON. Was it because of Dr. Kissinger's coming trip perhaps?

Mr. HOFFACKER. Well, we found enough good elements in the agreement. It was a strongish resolution aside from that omission. We felt that it was good to have the resolution on the record.

Mr. WILSON. How can one condemn a country for retaliating because 25 children have been murdered without mentioning the murder?

Mr. HOFFACKER. Ambassador Scali made it eloquently clear that he felt this condemnation of violence in general terms comprehended that. That certainly is the way we looked at it.

ROLE OF KUWAIT

Mr. WILSON. OK. What about Kuwait? Isn't it true that Kuwait generally is the most used haven for the various terrorist groups?

Mr. HOFFACKER. It does have that reputation.

Mr. WILSON. Well, I mean it is a fact, they all fly there.

Mr. HOFFACKER. Not all of them. Some of them. The Kuwaitis don't welcome them, and they have done their best in the past to discourage them.

Mr. WILSON. But they let them land.

Mr. HOFFACKER. They have under duress let them land.

Mr. WILSON. And there never have been any punishments for the murders that took place in the Rome Airport, for instance.

Mr. HOFFACKER. No, I cannot recall any punishment. I wouldn't want to speak for the Kuwait Government on this or defend them for that matter, but I would note that there is a very large Palestinian community in Kuwait which does create a domestic political problem in cases such as you cite. There are pressures on the Government from that element of the population.

Mr. WILSON. On the other hand, we continue to supply Kuwait the military planes and that sort of thing.

Mr. HOFFACKER. We would have to criticize Kuwait or any other government which does not arrest terrorists. We are very evenhanded in this regard.

ROLE OF LIBYA

Mr. WILSON. I don't know whether this is classified or not, but is there evidence that Libya has financed some of the terrorists in Northern Ireland?

Mr. HOFFACKER. Well, I have heard that report, but I would be getting into intelligence areas which I wouldn't want to do.

Mr. WILSON. You mentioned in your statement that there was evidence and indicators that there were certain governments who—

Mr. HOFFACKER. For one reason or another.

Mr. WILSON [continuing]. Are sympathetic toward certain terrorist groups, and Libya would certainly qualify for that definition.

Mr. HOFFACKER. I would rather not fill in the blanks, but I have heard the same reports you have, and of course, I think Libya probably has more enemies than friends in this regard. Libya is accused of being behind a lot of terrorism. This, of course, has to be checked out, which we do.

GENEVA CONVENTION ON RULES OF WAR

Mr. WILSON. In the Geneva Convention on the Rules of War, did the—my memory fails me, but did the Soviet Union support our position that terrorists did not—

Mr. HOFFACKER. I can't recall the vote in that particular forum, Mr. Congressman. The Soviet vote varies depending on the issue and is sometimes obviously influenced if a matter of national or self-determination comes up.

Mr. WILSON. According to Mr. Buchanan's information, this was a big issue because the national liberation groups pretty well kept much from being accomplished at the Rules of War Conference because they were insisting on their right to perform terrorism, and then they wanted to be treated as prisoners of war when they were caught.

Mr. BUCHANAN. Will the gentleman yield?

Mr. WILSON. Yes.

Mr. BUCHANAN. I just want the gentleman to know that there was at least one member of the delegation who was extremely angry.

Mr. WILSON. I am very pleased to know that. I am not surprised, however.

Mr. BUCHANAN. And vocally so, at least within the confines of the mission. And also, you don't mean to equate massacre of children with an attack upon property with no deliberate loss of human life, do you, and say we equally deplore these two things?

Mr. HOFFACKER. No, I didn't mean to imply that. We are terribly distressed over the Shemona and Maalot incidents. There is nothing worse in our view. There is no way to really describe our grief over that type of thing. No, I don't mean to imply equality of grief in all instances.

Mr. HAMILTON. Mr. Ambassador, if you will suspend, the subcommittee will take a recess here while we vote, and we will be right back.

Mr. HOFFACKER. Very good.

[Brief recess.]

Mr. HAMILTON. The subcommittee will resume its sitting.

Mr. Buchanan.

U.N. ACTION ON TERRORISM

Mr. Ambassador, resuming the colloquy of a moment ago, I do understand that our interpretation of the resolution was that there was language which did condemn the terrorist attack. I do understand that that was our interpretation of the resolution. It was spelled out by Ambassador Scali very strongly in his statement accompanying the vote.

I think some of us were unhappy, though, that we were parties to the vote, nevertheless without the specific condemnation of the terrorist incident which was the basis for the response.

This has been for us, has it not, a continuing problem, our inability to get that particular international body, the United Nations and the Security Council, to come out strongly on record against terrorism?

Mr. HOFFACKER. That has been a continuing problem, yes, but if I may refer to some notes here on this particular resolution, Mr. Congressman.

Mr. BUCHANAN. Yes.

Mr. HOFFACKER. We did vote for it because we still felt it was a strong resolution with that one exception.

It condemns all acts of violence, especially those resulting in loss of innocent civilian lives, which context clearly covers the Shmona incident, by calling on all governments to respect their obligations under international law.

The resolution includes reference to the Israeli-Arab general armistice agreement of 1949, which prohibits regular and nonregular parties from committing hostile acts and crossing the demarcation line.

Do you think it would be useful, Mr. Chairman, to give a copy of Ambassador Scali's statement for the record?

Mr. BUCHANAN. The statement and resolution, I think, Mr. Chairman, should be in the record.

Mr. HOFFACKER. I would be glad to make it available to the committee.

Mr. HAMILTON. Without objection, it will be made part of the record.

Mr. HOFFACKER. Very good.

[The resolution, Ambassador Scali's statements, and the Department of State's comments follow:]

SECURITY COUNCIL RESOLUTION 347 (1974)

ADOPTED BY THE SECURITY COUNCIL AT ITS 1769TH MEETING ON APRIL 24, 1974

(Vote 13-0-0)

The Security Council,

Having considered the agenda contained in document S/Agenda/1769/Rev. 1,

Having noted the contents of the letter dated 12 and 13 April from the Permanent Representative of Lebanon (S/11263, S/11264) and that dated 11 April 1974 from the Permanent Representative of Israel (S/11259),

Having heard the statements of the Foreign Minister of Lebanon and of the representative of Israel,

Recalling its previous relevant resolutions,

Deeply disturbed at the continuation of acts of violence,

Gravely concerned that such acts might endanger efforts now taking place to bring about a just and lasting peace in the Middle East:

1. *Condemns* Israel's violation of Lebanon's territorial integrity and sovereignty and calls once more on the Government of Israel to refrain from further military actions and threats against Lebanon;

2. *Condemns* all acts of violence, especially those which result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence;

3. *Calls on* all Governments concerned to respect their obligations under the Charter of the United Nations and international law;

4. *Calls on* Israel forthwith to release and return to Lebanon the abducted Lebanese civilians;

5. *Calls upon* all parties to refrain from any action which might endanger negotiations aimed at achieving a just and lasting peace in the Middle East.

STATEMENTS OF AMBASSADOR SCALI TO THE SECURITY COUNCIL, APRIL 24, 1974

1. STATEMENT INTRODUCING U.S. PROPOSED AMENDMENT TO DRAFT RESOLUTION

Mr. President, at a later stage in these proceedings, I shall have a statement to make regarding the circumstances surrounding our consideration to the Lebanese complaint. For the present, I wish to make only limited comment on the draft resolution contained in Document S/11275. It is clear to me that a great deal of effort and thought has gone into this draft, the intent has clearly been first to be equitable, and second to contribute toward strengthening conditions of stability which are indispensable if the search for a lasting peace in the Middle East is to be achieved. My delegation shares these aims. We believe that with a single amendment the draft before us might command widespread positive support among the members of the Security Council.

Having been informed that amendments are proper at this time, my delegation proposes that operative paragraph 2 be amended by the addition of four words to read:

"2. Condemns all acts of violence, especially those which, as at Qirpat Shmona, result in the tragic loss of innocent civilian life, and urges all concerned to refrain from any further acts of violence."

2. STATEMENT ON THE LEBANESE COMPLAINT

The situation in the Middle East presents grave risks and great opportunities. During the last few months the first concrete steps toward peace were taken—after decades of strife between Arab and Israeli. All principal parties to the conflict have accepted this council's resolution 242 and 338 as a basis for peace. A framework for negotiations, the Geneva Peace Conference, has been established, new foundation of stability required for further progress have been created: these include the dispatch of the UN Emergency Force, the implementation of the cease-fire on the Israel-Egyptian front, and the Egyptian-Israeli agreement on the disengagement of forces.

Despite this promising diplomatic progress, however, acts of violence and terrorism threaten to undermine prospects of permanent peace. Clashes between Israeli and Syrian military forces on the cease-fire line increase in intensity. We must most emphatically deplore such resorts to force in violation of the cease-fire demanded by the Security Council, and in contradiction to the disengagement being actively pursued.

Once again we meet here to consider the massacre of innocent men, women and children. On April 11, three terrorists brutally killed 16 civilians in Qiryat Shmona. Alleging that the terrorists came from Lebanon, Israel launched a reprisal raid two days later against several villages in southern Lebanon, which reportedly resulted in civilian casualties.

We did not presume to make judgment about the respective claims as to whether or not the terrorists came from Lebanon. The fact is, however, that innocent people were brutally murdered, and spokesmen for the murderers held a press conference in Beirut to boast of their callous act. Once more we have been faced with mounting violence, ugly language, and harsh retribution. This is a familiar tale, but with a significant difference. This time the cancer of terrorism not only takes innocent lives, it threatens the new and more promising trends toward peace in the area. This, indeed, may have been the principal motive of the attackers.

Despite these difficulties, the United States pledges to continue its effort to move the parties toward peace. Simply put, my country seeks through discussion, negotiation, and accommodation to move, on the basis of Security Council Resolution 242, toward a just and durable peace, a peace which will transform the atmosphere, the relations, and attitudes in the Middle East for the benefit of all concerned. This is a goal to which the vast majority of the United Nations membership subscribed, and to which the UN itself is making a key contribution.

Sadly, this objective is still repudiated by groups of terrorists, uninhibited by law, and unrestrained by common standards of human decency. The group which claims responsibility for the murders at Qiryat Shmona is categorically opposed to the process of negotiation through the peace conference at which the Soviet Union and the United States are co-chairmen. Indeed, one spokesman, who claims to speak for that group has reportedly claimed that Qiryat Shmona

was just the beginning of revolutionary violence aimed at preventing a permanent Arab-Israeli settlement.

We in the Security Council have invested much of our labors, resources, and good will during the past months in an attempt to turn the Middle East away from a cycle of violence and retaliation. We cannot allow recent achievements to be destroyed by the mindless terrorism of a small band who seek to destroy the fragile peace we are seeking so arduously to construct.

Neither should this Council jeopardize its constructive work of recent months by resort to worn out and one-sided rhetoric, devoid of practical effect. We voice here our condemnation of senseless acts of terror, such as occurred at Qiryat Shmona, just as we condemn the violence undertaken in retaliation in southern Lebanon by Israeli forces. We regret that our amendment to refer expressly to Qiryat Shmona did not receive the necessary support in this Council. We believe, however, that the resolution before us condemns all violence, whatever its origin, including the tragedy at Qiryat Shmona.

But we must move forward from condemnations of violations to encouraging moves toward a just and durable peace. Above all, our efforts in the Council must contribute to the climate of peace and mutual good will which is indispensable if negotiations are to succeed.

DEPARTMENT OF STATE PRESS BRIEFING (PARTIAL TEXT) APRIL 25, 1974

Mr. King, we have been asked last night and again this morning why the United States voted for the resolution in the Security Council which condemned Israel but did not explicitly condemn Lebanon or the Arab terrorists for the Qiryat Shmona massacre.

I have a statement I would like to get into the record.

We must have preferred explicit reference to Qiryat Shmona which is the reason that Ambassador Scali introduced the amendment he did, which would have had a reference to the massacre.

However, even without reference to it, we concluded that the resolution was acceptable because it condemns equally the Israeli reprisal and all acts of violence, especially those resulting in the loss of innocent lives, which covers the wanton and criminal massacre at the village of Qiryat Shmona.

Moreover, by way of further explanation of our action last night, this resolution, which was approved with our support, explicitly calls for all governments to respect their obligations under the charter and under international law generally. And the organization of attacks on the territory of one country against another is, as you know, contrary to both international law and the terms of the charter.

Finally, the United States Government attached particular importance to getting Council approval of the last paragraph of the resolution, which called on all parties to avoid any actions which might endanger negotiations aimed at achieving a just and lasting peace in the Middle East.

We believe that, in view of the Secretary's imminent trip to the area, that this is a useful reminder to all concerned about the need to avoid violence or military action of any kind that might jeopardize our peace efforts.

Question. Has there been any response or reaction from Israel to the U.S. decision to support this resolution?

Answer. Not to my knowledge, no.

Question. There is a story in the Post this morning which says that Secretary Kissinger had approved the language of the resolution which passed when he met with the Lebanese Foreign Minister last Friday but that Mr. Scali only introduced his resolution at the last minute because of pressure from Jewish groups.

Answer. I didn't see the story.

Question. What about the substance of what I said?

Answer. I couldn't comment on that.

Question. Anything on the Secretary's trip?

Answer. The United States and the USSR have agreed that the Secretary of State and Assistant to the President for National Security Affairs, Henry A. Kissinger, and Andre Gromyko, member of the politburo and USSR Minister of Foreign Relations, will meet on April 28 and 29 in Geneva.

During the meeting, Dr. Kissinger and Mr. Gromyko will continue their exchange of views on a number of issues in connection with the forthcoming visit of President Nixon to the Soviet Union.

As you know, it's departure Sunday at about 8:30 a.m. from Andrews.

Arrives Geneva that evening. Departs Geneva late April 29, which I believe is Monday, for Algiers. Algiers to Cairo, then Tel Aviv. The next stop is Damascus.

Question. Not Jerusalem but Tel Aviv?

Answer. I have Tel Aviv, right.

Question. When does he meet with Sadat?

Answer. While he's in Cairo.

Question. The original story that came out of there said he would meet in Alexandria. Is Cairo firm?

Answer. Quite seriously, I can't say. I wasn't aware there was a story he would go to Alexandria. I wouldn't exclude that. I don't know.

Question. Does he plan to visit any other countries on this same trip? Like Kuwait, like Saudi Arabia.

Answer. Can't say yet.

Question. Is this the first time the United States has ever approved a security council resolution that specifically condemned Israel with only a general reference to the terrorism?

Answer. I don't think so, but I'll check that.

Question. On the Secretary's travel schedule, is he prepared to make more than one stop each in Jerusalem or Tel Aviv and Damascus, or is he going with some sort of expectation that he will only have to go to each of those places once?

Answer. Oh, I think I would guide you away from that kind of speculation. The truncated version of the itinerary I've given you here really reflects the feeling that we'll just have to see how negotiations proceed. And it's very difficult to look beyond the first cut at it, if you will.

And, therefore, we're being a little reserved about what we think comes next.

Question. Do you know if Mrs. Kissinger is going on the trip?

Answer. Yes, she is. End quote.

U.S. POLICY ON TERRORISM

Mr. BUCHANAN. Mr. Ambassador, I think that there must be a way that we can establish an international climate in which barbaric acts of terrorism against innocent people will be treated by the world community as barbaric and as something that is simply an unspeakable policy in a civilized setting.

It is a matter of very great concern to me that it has become respectable in some Arab circles to boast of the murder of innocent children, and I think only an unbalanced mind could conceive of acts of terrorism as an acceptable element of any kind of struggle. There must be ways we can convey this very clearly to the international community and get this established.

As I understand our own policy, we do give firm response to acts of terrorism.

For example, we will not pay ransom for kidnapping, and we resist all other forms of blackmail and advocate the strongest possible measures taken against those who commit acts of terrorism; is that correct?

Mr. HOFFACKER. Yes, that is the core of our policy; yes, sir.

Mr. BUCHANAN. Do you think it is working?

Mr. HOFFACKER. Yes. I think we are setting the best example. We would like to have it rub off on others more than it does. But to return to the first part of your question, Mr. Congressman, the sentiment you express—that is, defense against wanton acts against innocent bystanders—was our objective at the United Nations, along with other governments and the Secretary General in September of 1972. You

will recall, right after the Munich tragedy, that there was a major effort made to get a resolution or convention which would embody the requirements you stated against the export of terrorism in incidents like the Munich tragedy where the terrorists came from another part of the world to attack third parties.

We would like to stop this. We were very conscientious and did our best to help draft a convention which would not have infringed on freedom fighters or self-determination but which would have fulfilled the requirement that you cite.

WORLD COMMUNITY ON ISSUE

The international community was not ready for that, and so last year at the General Assembly we fell back to something more specific where there was easier agreement. But there is no better resolution in my mind than the one which failed in October of 1972.

That formula is still a good formula. The world in 1974 should not tolerate this sort of violence against innocent bystanders. We should as a world community not accept it. That is certainly the U.S. Government's point of view. We do our best to get others to come along with it. If we can't succeed in the United Nations, then we may fall back to bilateral or sometimes a unilateral defense. But to answer the last part of your question, are we succeeding? Is it worth while? It is.

The example we set is, I think, the best possible. I think that if we can get a majority of countries, a maximum number to go along, the world will have fewer risks.

Mr. BUCHANAN. I am pleased to have you say that there is a possibility of more bilateral effort because it was my impression that we did not have near the difficulty getting the diplomats to act in protection of diplomats—

Mr. HOFFACKER. It is self-serving to a certain extent.

Mr. BUCHANAN [continuing]. As we have had in trying to get them to act in protection of anybody else.

Mr. HOFFACKER. But on the diplomats we used to live under this illusion of diplomatic immunity which was fine so long as it lasted. The terrorists did not honor that, and we now have to try to substitute for it.

WILL PATTERN CONTINUE?

Mr. BUCHANAN. Although this was an important affirmative step, we don't want to see ourselves continue to lose valuable diplomats and see this pattern continued.

Mr. HOFFACKER. The principle embodied in there is the same principle we were seeking in a broader scope the year before, the export of terrorism. In the convention for protection of diplomats, it is agreed by the United Nations that an individual or group which attacks diplomats or other internationally protected persons, will be arrested or extradited as we would like to see done to any other terrorist who kills other innocents. As Dag Hammarskjöld has said, if you keep your eye on the far horizon, you find the right road.

Moreover, the climate changes, too, you must remember. In the present climate we have achieved the maximum of what the traffic will bear, but hopefully the climate will change, perhaps with a Middle

East settlement, which may give us new opportunities which we don't have today.

Mr. BUCHANAN. I suppose if the movement toward peace should continue and the investment in peace by certain key Arab countries should increase, then perhaps they might be in a position to more greatly resist such activities.

Mr. HOFFACKER. You are implying what I was about to say. When national self-interest coincides with international responsibilities, then you can have the sort of success that we have not had thus far.

Mr. BUCHANAN. Thank you, Mr. Ambassador.

ROLE OF CABINET COMMITTEE

Mr. HAMILTON. Mr. Ambassador, it was in September of 1972 that the President established the Cabinet Committee to combat terrorism, and at that time you said that you consider it "the most effective means by which to prevent terrorism here and abroad."

How many times has that Cabinet Committee met since 1972?

Mr. HOFFACKER. Once, Mr. Chairman.

Mr. HAMILTON. And that was shortly after the President's statement?

Mr. HOFFACKER. Yes, sir; to get it organized.

Mr. HAMILTON. And it has not met since then?

Mr. HOFFACKER. No, sir.

Mr. HAMILTON. Who serves on that Cabinet Committee?

Mr. HOFFACKER. The Secretary of State is the Chairman. The Secretaries of Transportation, Defense, Treasury, Directors of the CIA and FBI, our Ambassador to the U.N., and the President's Assistants for National Security and Domestic Affairs.

Mr. HAMILTON. Why has it not met?

ROLE OF WORKING GROUP

Mr. HOFFACKER. Well, the work group has met very regularly and has served the purpose. There was one effort made to call the Cabinet Committee together. We couldn't find a quorum, you might say. It was very hard to get that many department and agency heads together and we have fallen back to a very good working arrangement whereby we meet every 2 weeks, that is, the working group.

We are on the phone all day and we report up to our respective superiors. I to the Secretary of State, and others to their respective Cabinet heads when we need a decision at that level.

Mr. HAMILTON. Who is on the working group?

Mr. HOFFACKER. Senior representatives of the Cabinet and agency heads plus others. We have added others as we have new requirements.

Mr. HAMILTON. Could you furnish us a list of the members of the Cabinet group and the members of the working group as well?

Mr. HOFFACKER. Yes, sir.

[The following information was supplied:]

MEMBERS AND PARTICIPANTS ON THE CABINET COMMITTEE AND WORKING GROUP

CABINET COMMITTEE

The Secretary of State (Chairman).

The Attorney General.

The Secretary of Defense.
 The Director of the FBI.
 The Director of Central Intelligence.
 The Secretary of the Treasury.
 The Secretary of Transportation.
 The President's Assistants for National Security and Domestic Affairs.
 The U.S. Ambassador to the United Nations.

THE WORKING GROUP

Senior representatives of Cabinet Committee members listed above. The Secretary of State's Special Assistant for Combatting Terrorism is Chairman. Other members:

Arms Control and Disarmament Agency.
 Atomic Energy Commission.
 Immigration and Naturalization Service.
 Office of Management and Budget.
 Law Enforcement Assistance Administration.
 National Security Agency.
 United States Information Agency.
 United States Secret Service.
 Federal Protective Service, General Services Administration.

Representatives of individual agencies bring other participants into Working Group activity on an ad hoc basis. For example, the Department of Transportation invites FAA into certain discussion. Within the Department of State, the following offices participate on a regular or intermittent basis:

Bureau of Near Eastern and South Asian Affairs.
 Bureau of Public Affairs.
 Deputy Under Secretary for Management.
 Chief of Protocol.
 Legal Adviser.
 Deputy Assistant Secretary for Security.
 Office of the Administrator, Agency for International Development.
 Aviation Programs and Policy Division.
 Policy Planning Staff.
 Bureau of International Organization Affairs.

Mr. HAMILTON. How often do you meet?

Mr. HOFFACKER. Regularly, every other Wednesday. But, as I say, we are in constant contact. I have never worked with this many agencies before and I was terrified with the prospect of trying to coordinate this many agencies. But it works remarkably well.

WHAT WORKING GROUP DOES

Mr. HAMILTON. What do you do on the working groups?

Mr. HOFFACKER. Well, we are acquainted with what each individual agency is doing in the field of terrorism. We see if there are any gaps in our security screen and any gaps in procedures, and then we fill them.

We look ahead, for example, to new types of terrorism which could strike; we consider new scenarios. We read a lot of material on the nuclear threat or on international terrorists trying to operate in this country. We try to be as forward-looking as we can. We work on procedures before we have a problem and hopefully will help us avoid problems.

Mr. HAMILTON. Can you give us any specific examples of things your working group has done, say, to prevent terrorism?

Mr. HOFFACKER. The Cabinet Committee considers those categories of applicants which are particularly vulnerable to terrorist penetration.

We have a procedure now wherein we monitor certain applicants which might be vulnerable to terrorist penetration. We have

a special procedure for that. We also review matters such as a new Federal Aviation Administration doctrine which they (FAA) would like to apply to international civil aviation, including the impact it would have on other governments.

Wherever several agencies straddle an issue, we find the working group very useful for coordinating purposes. We are not operational normally unless we see a gap in the screen or procedures. Then we set up a subgroup.

For example, there is a subgroup now on guidelines for possible future terrorist incidents in this country with international implications.

TWO PRESENT RESCUE OPERATIONS

Mr. HAMILTON. You say you are currently involved in two rescue operations. You mentioned those on page 5 of your statement. What exactly are you doing with regard to those right now?

Mr. HOFFACKER. I probably should have specified that I am involved in task forces usually in my State Department capacity. But I use my working group connections if a rescue operation spills over onto other agencies.

To take them specifically, our vice consul in Hermosillo, John Patterson, has been missing since March 22. It is a very troublesome case. Of course, it is under Mexican Government jurisdiction. We have a task force in Mexico City. We have a task force here.

And since it straddles the border, as it were, FBI is one agency, along with all the other agencies represented in the Embassy of Mexico, which works with the Mexican Government to secure the safe return of John Patterson.

We have a court case in southern California where a suspect has been indicted in the last few days in connection with the kidnaping, and this involves Justice, FBI, as well as the other agencies we have been talking about.

THE PATTERSON CASE

Mr. HAMILTON. How do you try to secure his release? The United States has a policy which says we are not going to pay any ransom, that we will resist any forms of blackmail.

Presumably those who captured Mr. Patterson know that that is our policy. What happens? What do you do? Do you have men out in the field searching, looking for clues?

Mr. HOFFACKER. Well, we unfortunately have had a lot of experience with kidnaping. We have not had any case quite like this. But to answer your question, Mr. Chairman, it is the Mexican Government which is fully responsible for the protection and rescue of John Patterson. We work very closely with Mexico in the process. If they need support from us in their investigation and search, they ask for it and sometimes we can provide assistance, but it is essentially a Mexican operation.

We do not attempt to discipline the family with regard to ransom any more than we can the Mexican Government.

The Mexican Government in the past has paid ransoms and sometimes it has refused to pay ransoms. In this case a ransom was requested and the wife of the vice consul is inclined to try to accommodate the terrorists in this regard.

We are not twisting her arm. We are facilitating the work of the Mexican Government and of family in any appropriate way we can.

In the case of Exxon, for example, we may not agree with their payment of ransom in Argentina but we helped in any way we could.

VIEWS OF U.S. COMPANIES

Mr. HAMILTON. Is it true to say private American companies now have accepted the idea generally now that they are going to pay ransom?

Mr. HOFFACKER. I don't know whether there is a general agreement or not. They hold their tactics pretty close to their chest.

Mr. HAMILTON. We have had several instances lately when they have paid ransom.

Mr. HOFFACKER. That has been the pattern in Argentina, yes, sir.

Mr. HAMILTON. You don't disagree with this policy of private companies?

Mr. HOFFACKER. We try to argue against the logic of that. We talk to companies and with governments, too. We say we think this is a poor policy. We are the first to recognize however that these are individual decisions. We are not sending the Marines and there is as yet no legislation prohibiting such payments. There are, however, proposals on the Hill that would prohibit the payment of ransom but there is on the books at the moment no restraint on individuals or companies in such payments.

ISRAEL POLICY

Mr. HAMILTON. Israel has the hard-line policy, so to speak, and I presume we agree with that policy because ours is similar to it?

Mr. HOFFACKER. In general we have a firm policy. We don't always agree with our Israeli friends on tactics.

Mr. HAMILTON. In the Maalot situation evidently the Israeli Government decided, at one point at least, they were not going to pursue a hard line. They were going to pay for release of the prisoners?

Mr. HOFFACKER. Yes, sir.

Mr. HAMILTON. And that would suggest that the Israeli policy is flexible. Likewise is our policy flexible?

Mr. HOFFACKER. It is flexible as well as firm. We have specified the things we can't do. It is good policy, I think, to spell out ahead of time certain policy so that the terrorists will not ask for nonnegotiables.

Mr. HAMILTON. How much contact do you have with the Secretary with regard to terrorism?

Mr. HOFFACKER. Not a lot of personal contact but he is very available on the subject. I am glad to say we have not had to bother him often. He is there. It is a very comfortable and adequate relationship.

Mr. HAMILTON. He is here and there?

Mr. HOFFACKER. He is always there, sir.

Mr. HAMILTON. He is more there than he is here. Even though he may be traveling, he is always accessible.

STAFF AND WORK

Mr. HAMILTON. What kind of professional staff do you have?

Mr. HOFFACKER. We are deliberately small, sir. I could try to build an empire, but I would rather not. I am a coordinator. I would like to remain that way. I have a deputy who happens to be on TDY in Baghdad at the moment. Then I have two other offices and two clerks.

Mr. HAMILTON. Do you contract out any research work?

Mr. HOFFACKER. Yes, sir. We have a good project now underway contracted with a private research organization to help us examine objectively the management of hostage situations, that is, what should we have learned from our experience and other experiences. How could we better manage them? What are the lessons to learn regarding ransom and so forth? And we are looking forward to the findings of that study.

Mr. HAMILTON. Do you in the working group have any authority at all to act, or must actions be taken by the Cabinet Committee?

Mr. HOFFACKER. We don't trigger the Cabinet Committee often. We have not had to. I have never in my tenure here since July of last year felt any lack of authority. We use the authority of our respective bosses. Each of them has authority within the terrorism field which is sufficient.

PATTERSON EXAMPLE

Mr. HAMILTON. Let's take the Patterson case, for example.

When decisions come up with regard to that case, is it your group that makes the decisions or is it the Secretary?

Mr. HOFFACKER. It so happens in that case that Assistant Secretary Kubisch is the head of our task force and I am part of it. If he can't make the decision, he goes up through the hierarchy through Brown, Rush, I guess we call it Ingersoll now, and the Secretary.

One of the pleasures of this, too, is that we can get an FBI, White House, or Justice clearance easily. We often use this informal arrangement.

We can go as high as necessary in the White House or Attorney General's Office.

Mr. HAMILTON. Now, do we have contingency plans? Do you develop contingency plans for terrorist activity?

Mr. HOFFACKER. We aren't so contingency-minded as the military but we have procedures. We call them procedures and guidelines. We reexamine them in the light of new experience and they do evolve, they do change. We prefer that type of approach. I think we have enough policy, enough guidelines to give us the necessary framework in which to operate. But we still retain plenty of flexibility in a negotiating situation.

OUTLOOK NOT PROMISING

Mr. HAMILTON. What do you mean in your statement when you say that "our multilateral, bilateral, and unilateral efforts must, however, continue because the outlook is not as promising as it might be"?

Mr. HOFFACKER. That is a State Department way of saying things are not bright and that I have not yet worked myself out of a job.

Mr. HAMILTON. Would your judgment be that the terrorist incidents will pick up?

Mr. HOFFACKER. We have more threats than we had a year ago, I regret to say. I don't think that is just a reflection of our better intelligence. There is a persistence about this terrorism, a contagion about it that causes the statistical curves to have a rising trend.

With regard to hijackings, we have fewer domestically. We have very fine statistics which we are almost afraid to even cite much less brag about. We have done very well at home. Abroad we still have hijackings and atrocities.

ROLE OF MEDIA

Mr. HAMILTON. Do you tend to think that the enormous attention given by the media exacerbates the problem?

Mr. HOFFACKER. I am one of those who believes that the media are helpful instruments in dealing with the problem. I don't deplore publicity if it is the right kind, if it is the sort of well-chosen words such as I have just recited. I think that responsible journalists should try to put terrorism in the proper context and that every terrorist should not automatically be a hero, because they aren't. They are criminal, and that is an obligation of the press, I think, to make clear, just as it is an obligation for us to make clear and put terrorism in proper context. For example, what is the terrorist's frustration, why did he do this particular thing, and the criminality involved.

FINANCES OF TERRORISTS

Mr. HAMILTON. You also cite in your statement evidence of ample financial sources. Is it your judgment that terrorist groups today are better financed than they have been?

Mr. HOFFACKER. I don't see many of them poor. Those who are motivated can find money.

Mr. HAMILTON. Where does that money come from?

Mr. HOFFACKER. I would rather not be specific before this audience, Mr. Chairman, but there are various reasons why governments give money to groups which are pursuing one cause or another.

Perhaps the government is newly independent and is sympathetic toward others who claim to be freedom fighters and who under this guise sometimes kill and become terrorists.

Mr. HAMILTON. Do we know with reasonable certainty the sources of terrorist money?

Mr. HOFFACKER. Our intelligence is never good enough, but we know adequately what the main sources are.

Mr. HAMILTON. Are those sources governmental sources?

Mr. HOFFACKER. Some are. Some are indirect. Some are direct. In Latin America, in Argentina, for example, the ransom business is very good. I have the impression that Argentina's terrorists are financed by their own resources. Ransoms are sometimes collected also in the Mideast.

Mr. HAMILTON. Mr. Ryan.

NEED FOR EXECUTIVE SESSION

Mr. RYAN. Mr. Chairman, I have only got one area at the moment I would like to pursue, which has to do with the matter you are pursuing now and I realize it can't be done here in any kind of detail.

But I would like to know whether it is possible if the Chair would be willing and if you would be willing for the Chair to call an executive session to get into this? I think it involves very substantially what the future of terrorism as an instrument of national policy is and there are a good many countries with whom we have substantial involvements in the diplomatic and financial sense, and if those same countries are involved in any kind of terrorist activities I think we should know about that and be prepared to take whatever kind of measures to discourage it. I can think of two countries in particular, Lebanon, for example, where even the Lebanese Government takes no official position on it.

Certainly it doesn't encourage it in the official sense. Having been there it is obvious that there is a great deal of money being spent and time being spent and training going on to carry on terrorist activity throughout the Middle East which has a substantial effect.

Is it possible for us to do that, Mr. Chairman?

Mr. HAMILTON. Mr. Ryan, we can go into executive session but it will take a vote of the subcommittee while at least seven members are present.

We are now making an effort to get two additional subcommittee members at which time we will entertain such a motion.

DOES THE UNITED STATES EVER SUPPORT TERRORISM?

Mr. RYAN. Mr. Chairman, I would also like to ask—I imagine the answer would come under executive session—but I would like to find out if there is any U.S. support for terrorist activity. I think the answer might come in executive session.

Mr. HOFFACKER. I can say with certainty that we do not engage in such support.

Mr. RYAN. Do you have enough information to be able to say that about the CIA, for example?

Mr. HOFFACKER. We are not in that business. I can say that flatly.

Mr. RYAN. Well, that is all I have for now, Mr. Chairman.

Mr. HOFFACKER. If I may respond to the first point, Mr. Congressman, about countries which may support terrorists. It would be a lot more satisfactory from the committee's point of view as well as from my own, for me to be able to go back to the Department and get something specific.

Today I would just be waffling with you. I would rather make it worth your while. I don't know what I could get. I have to go and ask on that particular point. I came prepared for the open session and not for an executive session. I don't know how you handle this type of situation. Mr. Chairman. I await your direction.

Mr. HAMILTON. Well, we don't have the necessary number of members here now. It is possible we may have them but if you are not prepared to testify in executive session, then we can put it off to another day. We could vote at this time to do it in a subsequent session.

Mr. Buchanan.

INDIVIDUAL AMERICANS DO SUPPORT TERRORISM

Mr. BUCHANAN. I just wondered if the gentleman had reference to Americans, private as well as public, and if your answer covers

private and public. I am sure our Government is not in that business but you have knowledge in this area and to the best of your knowledge there are no American private groups in support of terrorism?

Mr. HOFFACKER. There are laws which stand in the way of that. The most recent conviction in court, I think, was in Baltimore where four individuals found guilty of attempting to move arms to Northern Ireland. There is a law prohibiting this type of support of terrorism.

Mr. HAMILTON. Mr. Wolff.

RECENT U.S. VOTE IN U.N.

Mr. WOLFF. Thank you, Mr. Chairman.

Mr. Ambassador, I just want to know whether or not you have any feelings about the recent vote of the United States in the U.N., whether or not that had any effect or would have any effect on terrorist activities?

Mr. HOFFACKER. You are speaking about after the Shmona incident?

Mr. WOLFF. Yes.

Mr. HOFFACKER. Well, we would like to think that that resolution, although not perfect, did have a deterring effect and did constitute an expression of international agreement at least up to a point.

Mr. WOLFF. Some people felt it was pretty much onesided.

Mr. HOFFACKER. I have heard that point of view, but we as a government felt on balance we should support it. I have heard no regrets within our building on it.

Mr. WOLFF. There was an attack right after that.

Mr. HOFFACKER. There was Maalot.

Mr. WOLFF. You don't feel there was any connection at all?

Mr. HOFFACKER. I remember that Ambassador McCloskey asked that question. If you recall, he was with the Secretary in Israel at the time of the incident. He was asked a similar question. He said each case is different and one should not generalize on that point.

FOLLOWING KHARTUM INCIDENT

Mr. WOLFF. Is your office in any way connected with any moves that we might be making with reference to the Sudan and the trial of those people who killed our Ambassador?

Mr. HOFFACKER. We follow that most closely. The trial is, as you may know, at a fairly crucial stage. The last testimony has been offered and there will be several more sessions. It is expected that the verdict might be reached this month.

We watch it very closely. We note the continued commitment of the Sudanese Government for justice. We see the judicial process grinding. Beyond that I would rather not go.

I wouldn't want to say anything which would prejudice the trial at this particular stage, but we do feel very strongly that since the terrorists have admitted doing what they did punishment is appropriate in the circumstances.

FOREIGN SUPPORT FOR TERRORISM HERE

Mr. WOLFF. You have indicated that we have not supported any terrorist activity overseas. How about other governments that have supported terrorist activities in this country?

Mr. HOFFACKER. Well, that would not be permitted. We watch for it.

Mr. WOLFF. Well, as I understand it the training of some of the terrorist groups in this country takes place overseas; is that correct?

Mr. HOFFACKER. I am not aware of that. We certainly would stand in the way of that if we knew about it.

Mr. WOLFF. Well, do you recall the training of some of the terrorist groups in Algeria? I believe there are indications the Black Liberation Army or Black Panthers were training in Algeria?

ROLE OF ALGERIA

Mr. HOFFACKER. In Algeria?

Mr. WOLFF. Yes.

Mr. HOFFACKER. I know some of them took refuge there, but I don't recall any training. In fact, it is not a very attractive place for that type of refuge any more. They have just come out with a law calling for capital punishment for hijacking, and it is not a place that terrorists or similar people go to any more. I was unaware of any such training in Algeria from 1965 to 1969, when I was there.

Mr. WOLFF. You had no indication at that time?

Mr. HOFFACKER. No. There were many people from other countries who came to Algeria for one type of refuge or another.

Mr. WOLFF. Weren't you getting any newspapers at that time?

Mr. HOFFACKER. As far as training of Americans is concerned, I was not aware of it.

Palestinians, however, did train in Algeria. And there were refugees from other countries who came there for asylum, you might say. There were various liberation headquarters there. Algiers is that sort of capital.

ROLE OF CHINA

Mr. WOLFF. How about the People's Republic of China?

Mr. HOFFACKER. They have their missions there.

Mr. WOLFF. I am talking about Americans who have received support from the People's Republic of China. From time to time there have been cases where Chinese weapons found their way into the hands of some American revolutionary groups.

Mr. HOFFACKER. Of course, this weapons business, Mr. Congressman, is very hard to keep track of. You can find American and other weapons all—

Mr. WOLFF. You seem to be able to keep track of the weapons that go to Ireland but you can't seem to keep track of the weapons that come into American revolutionary groups. How is that?

Mr. HOFFACKER. Well, they certainly don't come here. We are terribly careful about weapons coming into this country.

Mr. WOLFF. No. I'm talking about keeping track of weapons going out of this country.

KEEPING TRACK OF WEAPONS

Mr. HOFFACKER. Well, there is law against that. A trial is currently underway involving two people in San Francisco for trying to carry weapons to Heathrow Airport around Christmas time. Do you recall that case? We are evenhanded about our pursuit of such criminals in both directions.

This is a big country. It is hard to close all the holes in the screen. But thus far our agencies, I think, have done a remarkably good job. It isn't easy to say that all the holes in the screen are closed. But that is our objective and we are not resting on our successes or sitting on our hands, I can tell you. We are watching constantly in both directions.

Mr. WOLFF. Could you provide for the record any information you might have or be able to avail yourself of the activity of revolutionary groups in the United States who were trained in Algeria particularly?

Mr. HOFFACKER. Well, on training of revolutionary groups in Algeria, I just don't have such information. I don't think you are referring merely to visits to Algeria by dissidents, Mr. Congressman.

Mr. WOLFF. No, we had information reports at the time you were there in Algeria and thereafter of various people taking refuge and getting training in Algeria.

Mr. HOFFACKER. Training—I just don't have that impression. While I was there, there was a camaraderie among such groups. They drank in the same places, they consorted, which is normal; but training, I just don't recall any such evidence.

Mr. WOLFF. Thank you, Mr. Ambassador.

Thank you, Mr. Chairman.

Mr. HAMILTON. Mr. Buchanan.

TERRORISM AND PEACE NEGOTIATIONS

Mr. BUCHANAN. Thank you, Mr. Chairman.

Mr. Ambassador, have efforts to curb terrorism been made part of the recent peace negotiations with the Middle East countries?

Mr. HOFFACKER. It certainly was a factor in connection with the last disengagement agreement. If you recall, there was the assurance given at that time, spelled out by Mrs. Meir, and referred to by the Secretary subsequently, which dealt specifically with terrorism which might threaten that particular frontier, the Israeli-Syrian one.

Mr. BUCHANAN. Is your office giving any advice to these governments and do you have communication?

Mr. HOFFACKER. We talk about this subject whenever we need to. When we have an incident, of course, we talk about it even though our people may not be directly involved. We try to get agreement on the principles which I have recited.

SITUATION OF LEBANON

Mr. BUCHANAN. Do you have any ideas about how to stop terrorism into Israel from across the Lebanese border without causing a civil war there?

Mr. HOFFACKER. That is a good question, Mr. Congressman. I am not able to disclose what the discussions are on that subject. The Secretary has restrained himself in his last press conference for the same reason. It is a matter of diplomatic confidence which I would rather not get into.

Mr. BUCHANAN. Is there to be any kind of U.N. surveillance on the Israeli-Lebanese border?

Mr. HOFFACKER. The U.N. Secretary General has just been to Beirut. Obviously, this is a subject that would be normal for him to look into, but he didn't say very much on his departure. I was very glad to see that he was there.

Mr. BUCHANAN. I am not positive that a Lebanese-Israeli disengagement would work, but it is a possibility since it has worked elsewhere.

In the Syrian case, of course, you have hostile forces of two governments being separated.

Mr. HOFFACKER. There is Resolution 347 which, of course, condemns the sort of violence and retaliation which we have seen involving Lebanon and Israel. Moreover, there is the Israeli-Lebanese general armistice agreement of 1949.

Mr. BUCHANAN. Do you feel the Lebanese Government can do more than it is doing? Is it in a position to do so, and you can comment on that?

Mr. HOFFACKER. We certainly are sympathetic. It is a very difficult problem.

Mr. WILSON. Will the gentleman yield?

Mr. BUCHANAN. Yes.

POSSIBLE CHANGE IN LEBANESE ATTITUDE

Mr. WILSON. Mr. Ambassador, I have gotten the impression that in the last 12 months, particularly since the October war, that the Lebanese are more and more against sanctions and for a certain degree of approval of the guerrilla activity?

Mr. HOFFACKER. I don't know to what you are referring, Mr. Wilson.

Mr. WILSON. Various statements that they have made and a total absence of any stated disapproval like they used to do 3 or 4 years ago. They would say, oh, this is terrible. It should not have happened.

Mr. HOFFACKER. I can't recall any appreciation being expressed following recent incidents. I know that the terrorists there do not have free run of the country.

The Lebanese attempt to do what they can about that large number of determined people plus the refugees in their country.

BLACK SEPTEMBER GROUP

Mr. BUCHANAN. I wonder if the last couple of Middle East incidents appear to involve the Black September group? Do you have any information whether that group is still in business? You know that label has not been heard of for a long time?

Mr. HOFFACKER. There is a lot of relabeling and unlabeled in this business. Sometimes even after long research, we cannot get to the bottom to find the origin of the terrorist group. There is a deliberate effort to disguise the identity in some cases or to confuse.

There are allegations that there is some other group that is committing the act. Our intelligence just isn't as good as it should be in that regard. Black September is not the familiar label that it was a year or more ago.

Mr. BUCHANAN. I suppose as long as you have any group boasting of slaughtering children, it doesn't really matter whether you call them Black September or whatever.

Mr. HOFFACKER. Yes, sir. Then you find groups that have break-aways or use deliberate camouflage. I quite agree with you, Mr. Congressman, the labeling is less important than what has been happening.

RULE OF IRAQ AND LIBYA

Mr. BUCHANAN. Would it be correct to say if you can comment, that it is the Iraqi and Libyan Governments that have recently been most supportive of the terrorist groups?

Mr. HOFFACKER. I would not want to be that specific, Mr. Congressman. However, in order to try to respond, at least in part, to your question, those two governments have not expressed approval of the present disengagement agreement.

Mr. BUCHANAN. I don't suppose you could comment on whether we are dealing with these governments on this question or not?

Mr. HOFFACKER. We talk to anyone if it is worth talking. We may have a little leverage on some governments. We may have none in other instances. In some cases, it may be counterproductive to talk about such matters.

You run quickly into sovereignty and limits of power in this regard.

We are not bashful, believe me, Mr. Congressman. In fact, we very often are accused of interfering in internal affairs. We are not self-conscious as we normally would be in that regard because we feel that we are not interfering in internal affairs when talking to another government about common international responsibility.

Mr. BUCHANAN. Just one final thought. Former Secretary of State Bill Rogers said in response to a question once, "I never interfere in the affairs of other countries when it doesn't do any good."

I hope you will interfere anywhere you can if you think it would do any good with this question.

Mr. HOFFACKER. Well, believe me, we are militant.

Mr. HAMILTON. Mr. Wolff had a question.

LIST OF TERRORIST ACTS

Mr. WOLFF. Thank you, Mr. Chairman.

I am just going through the list of terrorist activities of recent years. I have seen that has been furnished to us. I don't know who furnished this, Mr. Chairman. Where did this list come from? From our committee?

Mr. VAN DUSEN. Congressional Research Service of the Library of Congress.¹

Mr. WOLFF. I want to preface my remarks by saying that I deplore terrorism of any sort and want to see it eliminated everywhere. But I notice that there are three elements here of bomb attacks by the IRA, July 22, 1972, IRA attack, February 22, 1972.

¹ See p. 170.

In other words, three or four points where it attributed terrorism to the IRA, and I didn't notice any of the mentions of the UDA or other attacks upon the Catholics of Northern Ireland.

Perhaps I should not be the one to carry this banner, but it seems to me if we are to —

Mr. RYAN. Very appropriate.

Mr. WOLFF. [continuing]. Take evenhanded positions, I think there should be a reference to the terrorist attacks that have been made by both sides.

Mr. HOFFACKER. I do not know what you are specifically referring to. Would you like me to comment in general, Mr. Chairman?

NORTHERN IRELAND ISSUE

On the Northern Ireland question, we are not involved normally in that issue unless it gets into our area or strikes at our people. We have not taken sides. We have been watching it. We deplore the violence, but we found no reason to intervene in an essentially internal affair. I don't know whose toes I may have stepped on in that regard.

Mr. HAMILTON. Mr. Bingham.

Mr. BINGHAM. Mr. Chairman, I don't know whether we can move into executive session. I don't find much in this statement of value and I don't think we can get very much of value on the record, so I will pass.

Mr. HAMILTON. Mr. Bingham, we need one additional member to make an executive session and the Ambassador has indicated that he would prefer to have an opportunity to review the record before going into executive session.

If we get another member, the Chair will entertain a motion to go into executive session at a subsequent time.

TASK FORCES ROLE

Mr. BINGHAM. Well, let me ask one question then based on the statement.

Mr. Ambassador, at the bottom of page 4 and top of page 5 you have a curious statement. "Within the Department of State task forces can be assembled," and so on.

Mr. HOFFACKER. Maybe that is badly phrased.

Mr. BINGHAM. Obviously you didn't mean to suggest that you were managing these attacks, but you make this sound as if you were in a position to move in and do something. What managing can you do?

Mr. HOFFACKER. I am afraid that is a bureaucratic term which is not very good English. We monitor in most cases. If it is a rescue operation, our task force is involved in mustering resources to rescue.

In the case of the Beirut branch of the Bank of America, we were in touch with several companies involved, with the families, and with our Ambassador, who was literally on the sidewalk trying to help in the rescue of the Americans involved.

In the kidnapping of the emigrant Jews in Austria, no American was involved but we watched that very closely. It was a very serious matter. We monitored it and followed the terrorists as they departed.

We automatically follow an airline kidnaping because usually Americans are on board. We follow sometimes because we like to study terrorist tactics, governments' responses, and so forth.

Ship-jacking incidents do not usually involve Americans but we watch them closely as well. This is essentially monitoring, but we become operational if our people are involved.

BEYOND MONITORING

Mr. BINGHAM. Other than those activities which as you say are essentially monitoring or having to do with rescue if possible, there really isn't much that you can do at the time of the incident?

Mr. HOFFACKER. Well, some governments sometimes come to us for help on things like communications. We have sometimes better communications than they. We are very glad to share our resources.

Mr. BINGHAM. Do we have a national policy with regard to other nations giving into the threats of hijackers, for instance skyjackers?

Mr. HOFFACKER. We do speak up. We feel that a government is going to encourage terrorism by leniency. We feel that automatically caving in to intimidation by terrorists gives terrorists the success they seek and will encourage further acts of terrorism. We do counsel other governments usually quietly, when they attempt to transfer their terrorist problems.

Mr. BINGHAM. Thank you, Mr. Chairman.

TRY FOR ROLL CALL VOTE

Mr. HAMILTON. We have presently a sufficient number of members to take a vote on the question of executive session and I would like to request that we consider a motion to go into executive session, not only with regard to the terrorist problem with Mr. Hoffacker at a subsequent time, but likewise to do so with Mr. Atherton, who will report to us on his recent trips to the Middle East, and likewise Defense Department witnesses on the military balance in the Middle East.

The Chair will entertain such a motion.

Mr. RYAN. So moved.

Mr. BUCHANAN. Second.

Mr. HAMILTON. The motion is moved and seconded. The Clerk will call the roll.

The CLERK. Chairman Hamilton.

Mr. HAMILTON. Aye.

The CLERK. Congressman Fountain.

Mr. FOUNTAIN. Aye.

The CLERK. Congressman Kazen.

Mr. KAZEN. [Not present.]

The CLERK. Congressman Wolff.

Mr. WOLFF. Aye.

The CLERK. Congressman Bingham.

Mr. BINGHAM. Aye.

The CLERK. Congressman Reid.

Mr. REID. [Not present.]

The CLERK. Congressman Wilson.

Mr. WILSON. Aye.

The CLERK. Congressman Buchanan.

Mr. BUCHANAN. Aye.

The CLERK. Congressman Gross.

Mr. GROSS. [Not present.]

The CLERK. Congressman Mathias.

Mr. MATHIAS. [Not present.]

The CLERK. Congressman Gilman.

Mr. GILMAN. [Not present.]

Mr. RYAN. Mr. Chairman, I raise the point that I am not a member of this subcommittee as such. Does that rule require that I be a member of the subcommittee?

Mr. HAMILTON. The Chair is not sure.

The CLERK. Congressman Ryan.

Mr. RYAN. I will vote aye.

Mr. HAMILTON. Do you have the rules?

The CLERK. I do not have them here.

Mr. HAMILTON. The Chair will check into the rules to see if we are in order at that point, Mr. Ryan, whether or not you can vote. If you cannot then we will have to reassemble at a subsequent time for the purpose of taking a vote.

Are you through, Mr. Bingham?

Mr. BINGHAM. Yes.

DELAY IN KHARTUM

Mr. HAMILTON. Mr. Ambassador, the Khartum incident occurred in March 1973. A trial didn't start for a year. Why the delay?

Mr. HOFFACKER. The magisterial inquiry which took place until the trial began was a very long process which defense made the most of. Delaying tactics, you might call them.

Then there was an incident where a number of defense attorneys were picked up in some scuffle over student unrest, so there was a further reason for delay.

But now the case is before a high court and it is moving at a faster pace than a lot of observers expected.

Mr. HAMILTON. Are witnesses being called now?

Mr. HOFFACKER. Yes, sir. I think the last have been heard. I think both defense and prosecution have agreed that they have had sufficient witnesses. I think it is the summation we are looking forward to now and a decision by the court is the expectation imminently.

Mr. HAMILTON. Has the Sudanese Government been generally helpful and cooperative in advancing the trial?

Mr. HOFFACKER. Yes. It is apparently doing all that the executive branch can do in those circumstances. As in this country, the judicial branch is separate and is proceeding at its own pace.

RECENT PALESTINIAN STATEMENTS

Mr. HAMILTON. At the recent conference in Cairo of the various Palestinian groups in which they agreed to go to Geneva also contained some language with regard to further activities.

Did you read that resolution and if you did, how do you read it in terms of terrorist activities? It seemed to me in reading newspaper reports it almost or did give approval to future terrorist activities.

Mr. HOFFACKER. Which particular meeting?

Mr. HAMILTON. This is a meeting of Palestinian Council in Cairo last week.

Mr. HOFFACKER. We are reading the same press reports that you are. I hope we will have something more substantial. It is very hard to say what has been said and what may have been papered over. I am not satisfied with what I read in the press reports. I really don't have a good feel for that situation until we get something a little more substantial. But the meeting is over presumably, and there were not the expected expulsions and break up. There was some sort of unity manifested, at least superficially in the press, but we will have to wait and see what it all means.

Mr. HAMILTON. Are there any further questions from Members of the subcommittee?

Mr. WILSON. Yes, sir.

Mr. HAMILTON. Mr. Wilson.

MAN IN BAGHDAD

Mr. WILSON. What is the man who works with you doing in Baghdad?

Mr. HOFFACKER. Our man in Baghdad had need for some home leave and John Gatch who knows that part of the world, has gone out to replace him.

Mr. WILSON. Is he from the Interest Sections?

Mr. HOFFACKER. Yes. He heads the Interests Section. He knows that part of the world. He is highly qualified.

U.S. ROLE AT U.N. NOT MERITORIOUS

Mr. WILSON. The only thing I would like to emphasize, and it is for your benefit rather than for members of the committee, but most people were rather moderate in their discussion of the U.N. resolution and you keep answering with what I assume is the State Department's more or less party line, that you know, that we felt it was balanced and it was in fact a good resolution and all that, but I would like for you to understand that I really think this is true—some Members might disagree—but I really believe that there wasn't a stiff reaction in Congress to that action because we assumed that it was just one more thing that the Secretary of State had to do to get in shape to negotiate with the Syrians. I can understand that.

Mr. HOFFACKER. Yes.

Mr. WILSON. But I would disagree violently with your posture that it was a meritorious action. Now, if it was a pragmatic—and I am not asking you to say because you probably can't—if it was a pragmatic action it was distasteful to me but something that probably had to be done, but if it was meritorious, I think you ought to consider it very carefully before you do it again.

Mr. HOFFACKER. I certainly have noted your comments as well as Congressman Buchanan's comments. You probably know more about the resolution than a lot of people; I just wish I could—

Mr. WILSON. I think in executive session we can talk about it.

Mr. BUCHANAN. I would associate my sentiments with that of the gentleman from Texas.

Mr. WILSON. It was something we tolerated because we thought there was a reason.

Mr. HAMILTON. Mr. Wolff.

INTERNATIONAL LINKS OF TERRORISTS

Mr. WOLFF. Mr. Chairman, in the public session I just wonder if we can find out whether or not there are any of these terrorist groups that also maintain contacts with people in the United States? I am not asking you to name them specifically in this open session but I would like to ask you for that in executive session.

For the record, I would like to know whether or not there are either contacts or associations these terrorist groups have with people or organizations in the United States.

Mr. HOFFACKER. Mr. Congressman, we worry about that. Fortunately up until now we have had, with few exceptions, no such operational collaboration. There has been, however, ideological or intellectual cooperation—fraternity you might say—but not an operational as a rule.

What we worry about is if foreign groups and domestic groups start operating together. In other words, if they leapfrog our frontiers. That would be very troublesome. We have had enough threats of that sort of thing. We have had a couple of incidents that are alarming. I can cite a couple of cases if you would like. We work very hard on that sort of problem and hope to prevent repetition.

For example, the stationing of three automobiles in Manhattan in New York when Mrs. Meir was in Manhattan. They were bomb-laden. FBI and other services caught them before they went off.

It would have been a devastating thing if they had gone off and this threat—more than a threat—this action was traced back to a terrorist in the Middle East. He got away.

We have the unsolved letter bomb incident at the British Embassy in September of last year. Scotland Yard and we have not come to any conclusions but something has obviously leapfrogged our frontier.

This is getting close enough to what you were referring to, Mr. Congressman, to make us worry.

Mr. HAMILTON. Mr. Fountain.

Mr. FOUNTAIN. No questions, Mr. Chairman.

Mr. HAMILTON. Mr. Buchanan.

TERRORISTS OFTEN TREATED AS HEROES

Mr. BUCHANAN. Mr. Ambassador, I feel great concern. I am sure everyone does, about the way in which terrorists are sometimes treated as heroes.

It has been my understanding and impression that this element did not represent the totality of the Palestinians in the world and that this was more a minority voice than the voice of the people of the Palestinians.

Would you say that is correct?

Mr. HOFFACKER. That is a correct observation. It is really very encouraging that for the first time in 25 years in this business of mine, diplomacy, I have had some hope for the Middle East. I

didn't think I would live to see the day when we had a peace out there, but I am now satisfied that the majority, the vast majority of the Palestinians and Arabs want what you and I want—peace.

There is, however, a tough minority that is not happy with the disengagement formula and is not happy with the road to Geneva. As Mr. Sisco has said, moderate elements in the Middle East have helped us take this happy step along the road. But there are some who still patronize the military or violent option and they won't all go away this week.

RIGHTS OF PALESTINIANS

Mr. BUCHANAN. As we make progress, hopefully, in the pursuit of peace and with more moderate regimes, sooner or later you will have to deal with the question of the rights of the Palestinians and just what happens about the Palestinians.

Do you feel that this is an important question in this connection; dealing with that political group?

Mr. HOFFACKER. That is an understatement. It is a very important aspect. That question, of course, was asked of Secretary Kissinger last week, I think, before the full committee here, and the full committee of the Senate, and also at a press conference. He said the question has not arisen. But I repeat that it is a very important question which will have to be resolved in stages.

We have acknowledged that Palestinians have legitimate interests and that a permanent settlement must take into consideration these interests. Also, a permanent settlement must include an agreement of Arab States and Israel over such interests. Moreover, the Palestinians are now sorting themselves out.

The Arab governments are talking to the Palestinians. It is therefore inappropriate for us to render any judgment at this stage except to acknowledge those factors which I have just recited.

Mr. BUCHANAN. Well, the problems of the Palestinians in no way justify the terrorism; yet, progress on this may be what is necessary to achieve any full solution to that problem.

Mr. HOFFACKER. Political passion, no matter how deeply felt, cannot be justification for attacks on innocent persons. We would have to condemn them. It is not tolerable in our form of civilization.

Mr. HAMILTON. Any further questions?

Mr. Ambassador, we appreciate very much your cooperation today and look forward to seeing you in executive session.

The subcommittee stands adjourned.

[Whereupon, at 3:40 p.m., the subcommittee adjourned.]

INTERNATIONAL TERRORISM

TUESDAY, JUNE 18, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON THE NEAR EAST AND SOUTH ASIA,
Washington, D.C.

The subcommittee met at 2 p.m., in room H-236, the Capitol, Hon. Lee H. Hamilton (chairman of the subcommittee) presiding.

Mr. HAMILTON. The meeting of the subcommittee will come to order.

The subcommittee on the Near East and South Asia today continues its hearings on terrorism and counter-terrorism.

We are happy to have with us Eugene Methvin, John Wolf, and Ernest Lefever. Mr. Methvin is the assistant editor of the Reader's Digest, and he has written two books on subjects related to terrorism. He will try this afternoon to address the general psychology and evolution of terrorism and how he thinks terrorism will develop in the future.

Dr. Ernest Lefever is a senior fellow at the Brookings Institution, who has worked extensively on public safety issues and has been a consultant to the U.S. Government. Dr. Lefever will give us a public safety perspective on terrorism and counter-terrorism and will try to relate his generalized conclusions to the Middle East.

And Dr. Wolf, our third witness, is chairman of the Department of Criminal Justice at Union College in New Jersey. Dr. Wolf has done considerable research on terrorism and will present an overview on the situation in the Middle East.

Gentlemen, we are happy to have you here. Mr. Methvin, you have a prepared statement and you may proceed as you wish—either summarizing or reading your entire statement.

STATEMENT OF EUGENE H. METHVIN, SENIOR EDITOR FOR THE READER'S DIGEST

Mr. METHVIN. I will be glad to, Mr. Chairman; that is my professional business, digesting. I started out by saying, I think, it should be clear to all by now, that terrorism is a global epidemic, and the United States is not immune. I was doubly reminded of this coming into this building, when my little black briefcase had to be searched at the door, and it reminded me that we are holding this hearing in a building that was bombed by a group of political terrorists 3 years ago, the U.S. Capitol.

It should be clear to all discerning observers by now that the United States is not immune to the global epidemic of terrorism we see explod-

ing with random murders in Israel and Greece and at the Olympic games; with monster terror blasts in Dublin and Northern Ireland; and with kidnappings and murders in Argentina and other Latin American nations. The bombings, murders, and kidnappings have spread to this country under such labels as the Weather People, Black Panthers, Black Liberation Army, Symbionese Liberation Army, and—heaven help us—the American Revolutionary Army. Just as we Americans are no longer remote, in this jet age, from a smallpox epidemic outbreak in the backwash of India or Africa, in the age of Telstar communications satellites we are no longer immune to media-borne epidemics of terrorism anywhere in the world.

TERRORISM IN PERSPECTIVE

We have developed a Communicable Disease Center whose scientific detectives and combat teams girdle the globe at a moment's notice to fight fever and pestilence. Just so, we must develop a corps of sophisticated combatants for the world civil war between what Dean Rusk once so aptly termed "the forces of coercion versus the forces of persuasion." The crucial difference is that in understanding and combating the sophisticated 20th century technology of terrorism, we stand about where Anton van Leeuwenhoek stood in the 17th century when he first looked through his newly invented microscope and discovered microbes. We are just beginning to see and study the ecology of terrorism. We have a long way to go before we can develop expertise on a par with that of the globetrotting microbe hunters from the Communicable Disease Center in Atlanta.

Let me review a few salient features of the pattern of terrorism and revolutionary radical sects:

(1) Political, ideological, and criminal terrorist sects have existed throughout recorded history, in all societies.¹ The liberal view that they are a response to justifiable social grievances is a deceptive partial truth. They are also a regular response of human nature to myriad and random circumstances. They are a result of the individual human penchant for hate, and of the tendency of haters to communicate, congregate, and via a process of mutual reinforcement to concentrate, magnify, and focus their hate energies. You will find terrorism occurring with a frequency as usual and normal in human societies as such other normal human pathologies as alcoholism or suicide.

20TH CENTURY PRACTITIONERS

(2) What is new today is that the techniques and social dynamics of these terrorist sects have been converted into a fine science by Lenin, Hitler, Stalin, and the other 20th century practitioners, and combined with the cueing power of mass media bombardments. This systematic exploitation of natural social pathology was well summed up by Gen. Pavl Anatolevich Sudoplatov, director of the Soviet KGB's Department V, the assassination and sabotage unit, who once told a KGB

¹ See, e.g., the history of the Order of Assassins in the 10th and 11th centuries; Dostoevsky's novel, "The Devils or the Possessed," and other accounts of the Nechayevists; Norman Cohn's account of the medieval apocalyptic sects and gnostic heretics in "The Pursuit of the Millennium"; Lewis Feuer's study of student terrorist movements, "Conflict of Generations"; and my own book, "The Rise of Radicalism, the Social Psychology of Messianic Extremism" (New Rochelle, N.Y., Arlington House, 1973).

officer who later defected how to recruit for murder and terror operations:

Go search for people who are hurt by fate or nature—the ugly, those suffering from an inferiority complex, craving power and influence, but defeated by unfavorable circumstances * * *. The sense of belonging to an influential, powerful organization will give them a feeling of superiority over the handsome and prosperous people around them. For the first time in their lives they will experience a sense of importance * * *. It is sad indeed, and humanly shallow—but we are obliged to profit from it.²

Governmental support and export of terrorism is another new and particularly pernicious influence. The subversive techniques in use today represent “a phenomenon new in history, not just new in degree but new in kind,” points out Douglas Pike, a leading student of the new revolutionary terrorism and guerrilla warfare: “Never before have governments engaged in systematic and deliberate export of social pathology.” It is as if the Typhoid Marys of the world formed themselves into an organization for the purpose of propagating epidemics, overthrew the government in a half dozen nations, and set out to destroy the public health organizations throughout the world and infect all humanity.

ROLE OF KGB

President Nixon at the Naval Academy graduation argued that the United States cannot base its foreign policy upon efforts to influence the internal politics and policies of the Soviet Government. A week later Soviet President Podgorny sounded the same theme: the West must stop interfering in the internal affairs of the Soviet Union, its treatment of Jews and dissenters, if we are to have international détente. When President Nixon goes to Moscow later this month, he should lay this issue squarely on the table, including the subject of KGB intervention in other nations' affairs, specifically its support via its Cuban and Czech proxies for terrorists in the United States and other Western nations. The fact is that the foremost dabbler in the internal politics and affairs of other nations and the foremost international exporter of terrorism is the Soviet Government. It operates both through its clandestine arm, the KGB, and its secret subsidies to overseas Communist parties. The KGB through its control of the Cuban G-2 apparatus since 1968 has lent support to such terrorist groups as the FLQ in Canada, the IRA in Northern Ireland, and the Palestine terrorists, and our own “new left” brand of terrorists.³ If President Nixon were to ignore such activity, he would merely encourage the Kremlin rulers to bolder and bolder action; truly, in this sphere, “Silence gives consent.” Past failures of the U.S. Government to publicize what it knows about KGB support for terrorism is a prime factor in encouraging the Soviet Government to continue that support and expand it to new and more brazen outrages. We have clearly reached the point today where we jeopardize our own internal security by this policy of winking at such Soviet activity and pretending it does not exist.

² Barron, John, KGB (New York: Reader's Digest Press, 1974), p. 309.

³ Ibid., pp. 22, 151.

DISORDERS IN FAMILY

(3) Terrorism generally begins in the disorders of the family, in the disruption of relations between parents and child, particularly between father and child. Every child, as an inevitable part of growing up, must struggle against the authority figures in his life. To establish himself as an independent individual he must generate aggressive emotions and rebellion. These universal experiences produce universal emotional reactions and patterns which C. G. Jung first recognized and called psychological archetypes.⁴ Indeed, I believe that almost any adolescent and postadolescent adult carries latent emotional structures that make him susceptible to infection with revolutionary radical ideology, particularly if he finds himself accidentally thrown into close proximity with a hate collective. This susceptibility, I believe, accounts for the apparent conversion of Patricia Hearst to terrorism. The normally healthy young person has defenses which will resist the infection, usually successfully. But in a substantially minority of cases, the defenses will be overborne and you get a statistically significant minority of healthy young people who slip "off the deep end" into heavy terrorism. Usually their defenses crumble before the blandishments of a charismatic terrorist leader. A classic example was Albert Speer, a perfectly normal young architect, who was converted by Adolph Hitler, a marvelously pathological exponent of totalitarian terror. Other examples include Lenin, Mao, Castro, Charles Manson, and our recent celebrity-martyr "Cinque" DeFreeze, each of whom attracted and converted more or less normal personalities.

FATHER-SON RELATIONSHIPS

(4) You can see the kind of father-son disorders that produce the terrorist leader by studying the biographies of such radical leaders as Robespierre, Marx, Engels, Nechayev, Lenin, Hitler, Mao, and Stalin. In my book, *The Rise of Radicalism—The Social Psychology of Messianic Extremism*, I reported on my research into the lives of 13 major and minor figures in the history of totalitarian terrorism. Of 13 figures about whom have evidence, only 3 were without hints of deep father-son disturbances; only 3 appear to have had anything like normal parent-son relationships. Of the nine major figures about whom we have ample evidence, eight had severe disturbances in the father-son relationship. Only Mussolini had anything like the normal relationship and identification—and Mussolini's father happened to be a very left-wing anarchist, so that the son inherited his violent radical orientation. Rousseau, Robespierre, Marx, Engels, Lenin, Hitler and Mao all had major disturbances in the relationship. It produces a pathological view and orientation toward authority—a distorted perception of authority figures and the role of authority in maintaining domestic tranquillity and harmony in the open society. When this basic emotional engine is hooked up to even ordinary gifts of oratorical, literary and organizational genius, you get a really virulent hate sect and, if objective conditions are ripe (as they frequently and almost

⁴For excellent expositions of the subterranean emotions at work here, see Dr. Karl Menninger's books, *"Love Against Hate,"* and *"Man Against Himself."* Adorno et al., on *"The Authoritarian Personality,"* and Rokeach, in *"The Open and Closed Mind,"* probe the ways these emotions distort the personality and develop into a protototalitarian mentality.

usually are in the long march of history) you get a violent mass movement. Indeed, this latent oedipal orientation is usually generalized enough so that youthful reform movements, usually student movements, almost invariably veer sharply to the left and into terrorism. (See in this connection Lewis Feuer's *Conflict of Generations*.) There seems to be a group dynamic at work that gives these movements a natural history of starting with a program of moderate reforms, but as the movement gathers steam more and more extreme personalities rise to the leadership and swing the movement toward violence

MOST GROUPS SIMILAR

The origins of the Symbionese Liberation Army, both in personnel and urban Bohemian setting, differ very little from that of the young German Democratic National Socialist Workers Party in Munich in 1919, or Benito Mussolini's revolutionary Communist faction within the Italian Socialist Party in 1909 or his Italian Fascist Party in Milan in 1919; of Lenin's Bolshevik Party in Geneva in 1904. You start with a collective, a commune, a congregation of empty, restless people, whose lives lack roots, ties, direction and purpose. They may have a preexisting organization, or not. But they come into contact with a leader whose life matches their own except that he is blessed with some talents of persuasion and organization and cursed with a fanatical dose of hate and ego. And the leader and the followers develop a symbiosis—the SLA crowd picked a revealing symbolism. The leader and followers feed on each others' megalomania and paranoia, and they become a fanatical terrorist or totalitarian sect. And they set out to conquer the world. They are all aimless characters in search of both author and producer and director. And they find their scenario in the classic plot of the Book of Revelation, the Manichean or Zoroastrian world view of apocalyptic struggle between the forces of light and the forces of darkness. And of course they are always the Chosen People and bearers of light.

(5) Once a congregation of prototerrorists forms, they can tap a vast body of literature on what I have called the technology of social demolition (See *The Riot Makers—The Technology of Social Demolition*, 1970.) This technology is a cultivated body of operational knowledge and theoretical literature. It embraces such works as Karl Marx's *Manifesto*, Nechayev's *Catechism of a Revolutionary*, Hitler's *Mein Kampf*, and in our own time Carlos Marighella's *Minimanual of the Urban Guerrilla*, and other works by Mao Tse-tung, Vo Nguyen Giap, Che Guevara and the like. This technology is available to any would-be fuehrer who is willing to go to a library and work at it. Thus any little clique or group can start its own revolutionary movement. So we have a kind of free enterprise system of revolution—"competitive subversion," as Brian Crozier has aptly termed it.

TERRORISM INFLUENCED BY SOCIAL CONDITIONS

(6) My analysis should not suggest that terrorism is not influenced by social conditions or deprivation or grievances. It is. But to suggest that society's response to terrorist sects must be principally through social or economic or political reforms is hopelessly utopian. It

leads to a frequently fatal misdirection of public attention and resources. Yet this is the usual reaction of civil libertarian and liberal groups who shrink at the tough-minded measures that terrorist challenges requires. We do better to regard terrorists as a perennial threat to the health of the body politic, just as we so regard various communicable diseases as perpetual threats against which we must maintain professional public health detection and control agencies. Another helpful analogy is the modern urban fire department, which stresses not only control (the firefighting units) but prevention (public education campaigns) and the detection and arrest of pathological or criminal firebugs (arson squads). Counterinsurgency strategies must parallel these three functions. Like a typhoid epidemic that grows due to underlying failures in the public sewer and water supply systems terrorism may grow to epidemic proportions as a result of deeply rooted socio-political causes. Those causes must be treated. But just as authorities quarantine Typhoid Maries and mount emergency compulsory inoculation programs and send the plumbers out to work on the sewer and water systems, our response to terrorism must deal with the proximate as well as the more remote factors.

OPEN SOCIETY'S DEFENSE

(7) The open society's defenses against terrorist cabals must be mounted chiefly by two agencies: the communications media, and law enforcement, particularly the prosecutors and police intelligence units. The reason springs from the axiom laid down by one of the 20th Century's chief theoreticians and proponents of terrorism, Leon Trotsky. He wrote: "No guerrilla detachment can long hold out amid a hostile population. No underground group can function without a screen of sympathizers." And preparing that screen, conditioning the populace, is as much a part of terrorist activity as preparing bombs and conducting surveillance on kidnap or assassination targets. The strategists and engineers of social demolition know it. It is the primary function of what I have called the Leninoids, experts in mass media bombardment of social demolition. They pose what I have described as the electronic Hitler problem. (See *The Riot Makers*, chapters V and VI; and *The Rise of Radicalism*, parts IV and VI.)

The problem is simply this: Free speech—the right of citizens to organize and register their complaints—is not only our most precious national heritage; it is our ultimate source of social strength and stability. But, since words are used both of democracies to seek justice and by totalitarians to organize disruption, how can we stop the destroyers without inhibiting wide-open dialog? "Where does liberty end and license begin" (See *Reader's Digest*, May 1972.)

SLA EPISODE AND THE MEDIA

The SLA episode has caused a great deal of soul searching among American journalists. The demand that they print and broadcast the full texts of the SLA race hate diatribes compelled many thoughtful editors to confront the harsh realities of totalitarian exploitation of modern mass media for social demolition. The Nazi historians boasted that Hitler solved his early Nazi Party recruitment problem by mixing violence with his propaganda so that the democratic press gave the

Nazis front page exposure almost every day. Eugene Hadamovsky, Hitler's chief of radio propaganda, spoke of the marvelous "lightning effect" of an adroit mix of violent acts and violent propaganda: It had the effect, like a sudden thunderclap, of arresting the attention of everyone within reach, and focusing total attention on the propagandist's message. The Black Panther party announced itself to the world—seizing the front pages everywhere—simply by walking onto the floor of the California Legislature bearing guns. The SLA did the same by murdering Oakland's school superintendent with cyanide bullets. Marighella, a career Communist engineer of social demolition, described another effect of what he called "terrorist action models"—terrorist kidnappings and "executions." They have a remote cueing effect or triggering effect via mass media whose objective Marighella says is "to permit all malcontents to follow our example and fight with urban guerrilla tactics." No one who followed the Black Panther and Black Liberation Army campaign of inciting and inducing the random murder of policemen can doubt the very real effect of such propaganda. And democratic journalists must understand that they have a vital role in combating such climatemaking propaganda by terrorist cabals. There can be no such thing as "objectivity" in news media where the journalist is dealing with deadly assaults on the fabric of constitutional liberty itself. The Bill of Rights, as Justice Robert Jackson pointed out in one of the seminal first amendment cases (*Terminiello*, 1948), must not be compounded into a suicide pact.

LAW ENFORCEMENT KEY

Equally important, we must develop sophisticated law enforcement intelligence operations and prosecutorial teams—analogue to the Justice Department's organized crime strike forces—for attacking the conspiratorial cabals of totalitarian terrorists who are manufacturing these explosive mixtures of mass media violence and propaganda. This is why some of the Watergate "White House Horrors" constitute so grave a blow to the cause of the open society in the face of totalitarian attacks. There was ample ground, rational and urgent, for the 1970 intelligence plan approved by the President and then quickly rescinded. Whether that plan transcended Presidential authority is indeed a debatable issue. But every technique of domestic intelligence listed in it had been used by the FBI and other agencies for at least 30 years under five successive Democratic and Republican administrations. And I specifically include "surreptitious entries." And the fact that such techniques were in regular use was known to and condoned by a broad segment of Members of Congress and the Supreme Court. Moreover, the FBI's counterintelligence program (COINTELPRO) against the extremist core of the New Left was a model of sophisticated, effective counter-terrorist law enforcement action first developed and applied with devastating effect against the Ku Klux Klan in the mid-1960's. In that context the strategy won great publicity and praise; yet now we have the Attorney General condemning it. In the current climate of justifiable revulsion over Watergate, we are in danger of crippling law enforcement intelligence in a hysteria of reverse McCarthyism in which we close our eyes to evidence and some compelling necessities of domestic and international security.

For both journalists and our lawmakers and enforcers, the engineers of social demolition and terrorism pose an excruciating problem of line drawing. We face a painful process of research, analysis, and action. But our processes of legislation and common law development can do it. I have no doubt that we will succeed. Hearings such as this are a crucial step in the right direction. But in the words of Justice Holmes: "It takes a heap of sweat, toil, and tears to bring about the inevitable."

Mr. HAMILTON. Thank you, Mr. Methvin.

I think the subcommittee will take a recess here while we go vote, and we will be right back. We will take up with Dr. Lefever's statement.

Excuse us, please.

[A brief recess was taken.]

Mr. HAMILTON. The subcommittee will resume its sitting.

Dr. Lefever, please.

STATEMENT OF ERNEST LEFEVER, SENIOR FELLOW AT THE BROOKINGS INSTITUTION

Mr. LEFEVER. Mr. Chairman, I would like to thank you for this opportunity to participate in these hearings, which I believe will help focus public attention on this timely topic of terrorism in the Middle East.

As you indicated in your opening remarks, I will focus on the role of the civil police, and in the potential role the United States might play in providing assistance to civil police in countries where terrorism is a serious problem.

STATE OF SIEGE FILM

I would like to underline a point Mr. Methvin made about the contribution of the press to the contagion of terrorism and enlarge that point to suggest that books and films also have this same effect.

All of us have heard, I think, about the film, "State of Siege," directed by Costa-Gravas, which purported to be a documentary on the life and death of Dan Mitrione, a U.S. Public Safety official in Uruguay. He was kidnaped by the Tupamaros and murdered in 1970.

The film, and I have given a great deal of study to it, is really an anti-American Marxist diatribe that falsifies the fact on all important events. It is a propaganda film and a proterrorist film. Actually, in Europe the film is shown under the title "The Amerikan," spelled with a "k."

Dan Mitrione was an advisor in the Public Safety program carried out under AID. Contrary to the film, he was not an agent of any kind. He did not work for the CIA. He did not recommend, condone, much less teach torture. He was a simple ex-police chief from Richmond, Ind., who under the auspices of AID was advising the civil police in Uruguay in legal, humane, and professional law enforcement.

ROLE OF FILM

Very few people in America go to the "art films" in the first place. Hence few Americans were taken in by "State of Siege." But I am

afraid that a small number of film critics and perhaps a handful of Members of Congress tended to take this film at or near face value. Why, I am not here to say.

But I do believe that this film, added to other factors, including disenchantment with Vietnam and the creeping (if not galloping) neoisolationism, has contributed to the congressional decision last year to cut back severely the public safety program, virtually eliminating its overseas activities of giving advice and providing materiel. More of that later.

I would like to make one or two quick distinctions. First, a distinction between terrorism and counter-terrorism. Politically and morally I find it difficult to make a serious distinction between these two, especially if one defines "terrorism" as I do—the use of violence against innocent persons. Under the laws of war and the U.S. military code, soldiers are not permitted to engage in deliberate violence against innocent civilians. When this occurred in Vietnam, the violators were subject to severe punishment. So, therefore, it is difficult for me to think of a just form of terrorism or a just form of counter-terrorism.

TERRORISM BY INDIVIDUALS AND BY STATES

I also would like to make the further distinction between terrorism by terrorist groups and terrorism conducted by governments. Both, it seems to me, are morally repugnant and politically ineffacious.

Mr. WILSON. Mr. Chairman, would you take a question right now, or do you prefer to wait?

Mr. HAMILTON. I would prefer to let the witnesses finish their statements.

Mr. LEFEVER. Governments operate under certain legal constraints. They signed the U.N. Charter, and they are under international law. There are certain things that they should not do. I am not talking about speedy and vigorous action against terrorists. I am talking about deliberate action against innocent human beings.

Now let's move more closely to the Middle Eastern situation and see what the United States might do to make some contribution to stopping or slowing down the tragic cycle of terrorism and counter-terrorism in that area.

The U.S. Government, as we all know, believes that all parties to the conflict there have certain fundamental rights. One of the parties is the Palestinians whose just aspirations have been frustrated by complex events, the fault of which it does very little good to try to determine.

UN NOT MUCH HELP

As Ambassador Lewis Hoffacker said last week before this subcommittee, we cannot expect too much from the United Nations or any other international forum in dealing with this problem because in the eyes of certain member countries, particularly the Soviet Union and the People's Republic of China and their clients, there is a "just" terrorism and "unjust" terrorism. These governments do in fact assist terrorists, including those in the Middle East, on a selective, and I must say, not always consistent basis.

Consequently, the best way to combat terrorism, it seems to me, is to depend more directly on the countries concerned, rather than on the international community or international agencies.

It is easy for us, here in this calm room, to say that both sides in the Middle East should restrain themselves, but restraint might be interpreted by their adversaries as weaknesses and, therefore, taken advantage of.

Nevertheless, if this self-perpetrating cycle of violence is to be broken, one side will have to take the initiative. I believe it would be an act of faith and courage for Israel or the terrorists to take the first step. I am also confident that it would be ultimately, if not immediately, benefit the party that took the first step.

U.S. QUIET DIPLOMACY

I want to say just a brief word of commendation for what the U.S. Government is doing through quiet diplomacy in this whole area. On the political front, U.S. efforts in the Middle East to deal with fundamental political problems will, in the long haul, have some chance of reducing terrorism.

But as long as certain groups feel their cause is not being advanced, or as long as there are persons with certain pathological problems, there will be terrorism. So, therefore, even in the best of all possible worlds, I think there will be a need for countering terrorism in the Middle East for 10 more years.

Turning to the direct U.S. role, the Government does provide assistance in airport security through the FAA. We are doing some other things as well, but I would like to focus on the central role of the civil police in dealing with terrorism abroad. The police, it has been correctly said, are the first line of defense against all forms of low-level violence in society, including terrorism.

ROLE OF POLICE

The whole range of police skills and activities—from identification, interrogation, crowd control, mobility, and logistics—are brought into play in deterring and dealing with terrorism. It is precisely these skills that have been imparted to 49 different countries under the U.S. public safety program during the past two decades.

At its peak in 1968, AID expenditures for public safety assistance reached \$55 million. There were 450 U.S. civil police advisers in 34 countries, including some 200 in Vietnam. The Vietnam program, of course, was phased out early in 1973 with the cease-fire agreement.

The public safety program has trained in the United States, mostly at the International Police Academy here in Washington, 7,800 civil police officers and technicians from 73 different countries. In addition to training, public safety advisers have provided technical assistance in the full range of civil police activities, emphasizing legal, humane, and professional methods. They also have provided it, through grant aid or sales a variety of police equipment, primarily vehicles, radios, and training aides.

In an extensive study of the public safety program I conducted at the Brookings Institution under contract with AID, I learned that

that program enjoyed high respect in the assisted countries among those who knew most about it.

I looked especially into the question of whether this program was a political liability in the recipient countries. I visited about 20 of them in Asia, Africa, and Latin America. According to the best observers I could find, Americans and others, the political cost to the United States ranged from zero to insignificant.

There are some people in Washington who felt that the program did have a political liability. Some of these same people found convincing the propaganda film, "State of Siege." That is something we might well discuss.

PUBLIC SAFETY PROGRAMS IN MIDDLE EAST

Last year, as I implied, the public safety program was cut back for a variety of reasons. Now, the major activity permitted this program is the training of police officers from abroad. Just a word about what public safety has done in the Middle East.

Compared to Latin America and Asia, the public safety program in the Middle East has been very small. In fact, there is only one active program at the moment, Saudi Arabia, which has seven United States' advisers. Altogether, 160 Saudi police have been trained here. The program is paid for entirely by the Saudi Government.

Back in 1963 to 1969, there was a program in Jordan with one to seven resident advisers. For various reasons, this was phased out. But last year, the Crown Prince of Jordan requested that a new public safety program be instituted, specifically to help train Jordanian police to deal with terrorism. As you well know, terrorists in Jordan are a menace both the the Jordanian Government and to Israel. To date, 73 civil police in Jordan have had U.S. training. No civil police from Israel have been trained under the program.

SOME STATES WANT HELP

Just 2 months ago, the United Arab Emirates, with the capital at Abu Dhabi, specifically requested the United States to provide police assistance to its seven oil-rich principalities, and this request is currently under active consideration. They, like Saudi Arabia, would pay for the program completely.

In the past, other Middle Eastern countries have been assisted, but the degree of assistance had its ups and downs, reflecting the general relationship of the United States with the government concerned. The number of their civil police trained in the United States suggests the size of the various programs: Iran 179, United Arab Republic 99, Iraq 20, Syria 10, Lebanon 9, Kuwait 2 and Yemen 2. If you add these to Jordan and Saudi Arabia, 550 civil police have been trained from the area.

Given the current political developments in the Middle East, it is not unreasonable to assume that more requests will come to the U.S. Government for public safety assistance, particularly to deal with terrorism. It should be emphasized that terrorism is a menace to the Arab governments as much as it is to Israel. And certainly counter-

terrorism is a menace to the States contiguous to Israel. Consequently, the level of interest is high.

NEED TO REINSTATE PUBLIC SAFETY PROGRAM

It also should be pointed out that terrorists can direct their activity against pipelines and other petroleum facilities which are of considerable interest to the United States. Therefore, Mr. Chairman, my principal, specific recommendation is that our Government give consideration to reinstituting a full-fledged public safety program, and that a principal focus of this reinstituted program be countering terrorism of all kinds in all parts of the world.

I recognize that the public safety program has some problems. One of the main problems in the past 20 years of this program has been its location in AID—an agency devoted primarily to fostering economic development. It seems to some people in AID and some people outside, that a security-oriented, technical assistance program of this sort might have a more congenial home, that AID was not a hospitable home for public safety assistance. This suggests that perhaps the Department of Justice would be.

After all, many of the Cabinet Departments—Agriculture, Labor, HEW, and Commerce, to say nothing of Defense—do have overseas assistance programs.

PUBLIC SAFETY AND TERRORISM

This specific recommendation of reinstituting and enlarging the public safety effort with a special emphasis on terrorism should, I believe, be considered by the subcommittee, along with other recommendations these hearings may generate.

I would like to enlarge a bit on a suggestion I thought I heard Mr. Methvin make; namely, the improvement of world communications in the field of terrorism. Interpol does work in this field some, but it operates under certain political and economic constraints. I am not here to outline the modalities of how a communications network and an exchange-of-information network might be improved, but I am sure that it is worthy of consideration.

One final thing, Mr. Chairman, and that has to do with the role of the American press. We are blessed with a free and sometimes irresponsible press. Frequently, the printed and electronic media have given the terrorists, particularly those that have been able to effect a kind of Robin Hood image, like the small group of criminal misfits who call themselves the SLA, just about what they want.

I respectfully urge to this forum, the American TV and newspaper editors, to play down terrorism, to strip it of its romantic and heroic aura, and to speak of it as a common crime perpetrated by common criminals, regardless of the self-serving banner under which they operate.

Of course, if there is any justice to the terrorists' cause, the issue must be dealt with on its own merits. There is certainly justice to the cause of the Palestinian refugees—and that problem deserves attention, but not because a passenger plane has been blown up in the desert.

Thank you, Mr. Chairman.

Mr. HAMILTON. Thank you very much, Mr. Lefever.
[The prepared statement of Dr. Lefever follows:]

TERRORISM AND COUNTER-TERRORISM*

Mr. Chairman, I appreciate this opportunity to testify on this significant topic of terrorism and counter-terrorism in the Middle East. I am not a Mid-East expert, but my research at the Brookings Institution and before has included alternative ways of dealing with terrorism and other forms of low-level conflict. In 1962 I was involved in a study of international peacekeeping for the Department of Defense which took me to the Congo, Egypt, and the Gaza Strip. Last year I completed a comprehensive examination of the U.S. Public Safety program which has provided technical assistance to the civil police in 49 countries, with commendable effectiveness, I might add. I also conducted a study of the U.N. peacekeeping force in the Congo for the U.S. Arms Control and Disarmament Agency.

Today, I would like to divide my comments into two parts: 1) the nature and threat of international terrorism and 2) suggestions for curbing terrorism in the Middle East.

NATURE AND THREAT OF INTERNATIONAL TERRORISM

Despite the dramatic and rather full coverage of terrorism by the printed and electronic media, or perhaps because of this coverage, the phenomenon and its potential for disrupting international life is not adequately understood. Permit me a few observations which may help clarify this complex problem and shed some light on the unique Mid-East situation:

1. Essentially terrorism is organized violence against innocent human beings to advance a political or ideological cause. It involves kidnapping, skyjacking, maiming, torture, brainwashing, and murder. So defined, terrorism is difficult to justify at any time or any place, however just or noble the real or proclaimed cause. There are just wars, but I doubt that there can be just terrorism. By the same token, I doubt that counter-terrorism can be justified. Under the rules of war, the combatants are required to respect the rights and immunities of civilian noncombatants. In the jungle of terrorism there are no rules, except an eye for an eye and a tooth for a tooth or worse.

2. Terrorism begets terrorism. The Middle East is a tragic witness to this truth. The terror of the Stern gang was bound to be avenged. The kidnapping of school children, like in a Greek tragedy, is followed by the bombing of innocent refugees. The vicious cycle of terrorism and counter-terrorism, whether in Northern Ireland or in what we used to call the Holy Land, is a moral and political question far more important than that of determining who cast the first stone.

3. Terrorism has three primary objectives—to demoralize the adversary, to gain sympathy for the cause of the terrorists, and to focus public attention on the grievances of the terrorists. As a hit-and-run operation, terrorists rarely gain territory or even lesser tangible objectives, but they do score other points. Terror may demoralize the adversary, but more important it tends to galvanize the adversary, unite him, and in some cases stimulate counter-terror. Terrorism may create sympathy for the terrorists' cause, but usually only among those who are already sympathetic. Terrorism often alienates the outsider from the cause. But in one objective, the terrorists almost always succeed—publicity for the cause. It is the nature of the mass media to report dramatic events and terrorists provide them a rich menu. Their evil deeds are given an immediate world audience in vivid and lurid detail.

4. The perils of publicizing political terrorism have not been fully recognized by the press. Certainly, terrorism must be reported. It should be reported honestly, soberly, and in perspective. It is rarely so reported. There is a tendency in sectors of the press to present certain terrorists in a romantic and even heroic light. The criminal Tupamaro terrorists in Uruguay, despite their murder of the innocent and their shooting policemen in the back, were presented in the press as

*The views expressed in this statement are the sole responsibility of the author and do not purport to represent those of the Brookings Institution or its officers, trustees, or other staff members.

heroic, modern Robin Hoods. This romantic aura has not been absent from the reporting of the so-called Symbionese Liberation Army criminals in California. Murder is murder and criminals are criminals, and the press has an obligation to play the story straight and not become vehicles for the venom of alienated, confused, and angry, misfits who are bent on destroying the structures of justice and peaceful change so painfully built up over the centuries.

5. Fiction in film and book has also become a channel for promoting and romanticizing terrorism. A particularly effective piece of pro-terrorist propaganda was the film, *State of Siege*, directed by Costa-Gavras. Purporting to be a documentary on the life and death of Dan Mitrione, a U.S. AID police adviser in Uruguay who was kidnapped and murdered by the Tupamaro terrorists in 1970, the film is an anti-American Marxist diatribe that falsifies the facts at all important points. I have made an extensive study of the film and the facts, and there is little resemblance between the two. In Europe, the film was shown as *The Amerikan*.

Contrary to the film, Dan Mitrione was not a U.S. agent, he did not work for the CIA, and did not recommend, condone, much less teach torture. He was a simple ex-police chief from Richmond, Indiana, who under AID auspices was advising the civil police in Uruguay in legal, humane, and professional law enforcement. The United States also provided Uruguay with a small number of police cars and radios. As a result of the program, the police became more effective. This the Tupamaro terrorists did not like, so they kidnapped and murdered Dan Mitrione.

Few Americans were taken in by the lurid Costa-Gavras film. But a small number—among them some film critics and a handful of members of Congress—seemed to take Costa-Gavras at or near face value. Why they were inclined to accept the lies and distortions of this propaganda tract, I do not know. Why some Americans are eager to believe the worst our adversaries have to say about us, I do not know. But I do believe this film was one contributing factor to the Congressional decision last year to cut back the Public Safety Program for which Dan Mitrione gave his life.

This anti-American and pro-terrorist film doubtless had a contagious effect in the United States. To angry, idealistic, and frustrated viewers, the hypnotic simplicity of the Tupamaros may have suggested a way out of their helplessness and alienation. To potential Arthur Bremers and Sirhan Sirhans with their twisted psyches, it may have suggested one final act of political violence that would enshrine them in immortality.

6. Terrorism is a threat to international peace. Here we must distinguish between purely domestic terrorism and terrorist activity exported across international frontiers. Because of instant mass communication all terrorism, however local, is given a world audience and it tends to encourage similar acts for similar "causes" everywhere. In this indirect sense the SLA is a threat that extends beyond the United States. Further, there are explicit ties among terrorists in different countries. We are concerned here primarily with international terrorism—activity directed against foreign nations in the terrorists' own country or the export of terrorist activity to foreign states. International terrorism of all varieties, including counter-terrorism, is a threat to normal and peaceful international intercourse—tourism, commercial, or diplomatic.

Any hostile crossing of borders in peacetime is a violation of international law and an act of war. Terrorism not only violates sovereignty, but it enflames local conflict, and often involves more distant governments or their nationals. The murder of American diplomats in the Sudan is an example.

7. The potential menace of international terrorism is exacerbated by certain technological developments. Aircraft and airports have become principal stages for today's terrorist. Modern plastic and letter bombs have become his tools. And tomorrow, a stolen or hand-crafted nuclear device may become his ultimate weapon for holding up a city or even a government for ransom.

8. A moral and political distinction can be made between terror by terrorist groups and terror or counter-terror by governments. Assuming that all forms of terror are reprehensible and ultimately self-defeating, government terror, even in retaliation, deserves special condemnation. Governments have signed the U.N. charter and operate under international law. Governments should be restrained by their solemn obligations not to violate the integrity of other states. This special obligation and constraint on governments applies not only to those that directly violate international frontiers, but also to those that permit terrorist groups to operate from their soil against the citizens of another state.

CURBING TERRORISM IN THE MIDDLE EAST

Other witnesses before this subcommittee have dwelt on the tragic cycle of terror and counter-terror in the Middle East which has spilled so much innocent blood and enflamed the passions on both sides. Permit me the following observations, including suggestions of what the United States might do to help curb this tragic violence.

1. First, I assume as does the U.S. Government, that all parties to the conflict, Israel, the Arab states, and the Palestine refugees, have legitimate rights and interests. I also assume that the legitimate rights of the Palestine refugees have been most seriously violated, though I am in no position to allocate the blame for this situation.

2. While injustice and interstate conflict in the Middle East do not cause or justify terrorism, they are factors in stimulating terror and counter-terror. Therefore, the most important contribution to curbing terrorism are steps toward a just political settlement, with special emphasis on the just aspirations of the Palestinians.

3. We should not expect too much from the United Nations or any other international forum. U.N. members cannot agree on a legal definition of terrorism because some governments sympathetic to a particular terrorist group define terrorism politically. In their eyes, there is just terrorism and unjust terrorism. The Soviet Union, the People's Republic of China, and their clients have aided and are aiding terrorist groups throughout the world by propaganda, weapons, money, training, and in some cases organization. This aid is selective and not always consistent. This unwillingness to decouple terrorism from its proclaimed cause has made it impossible to have a united condemnation of all terrorism, much less a convention spelling out specific anti-terrorist measures to be undertaken by each government. In his testimony before this subcommittee last week, Ambassador Lewis Hoffacker, the Special Assistant to the Secretary of State for Combatting Terrorism, indicated some of the serious limitations of international channels.

4. Consequently, the best way to curb terrorism in the Middle East is for the parties practicing it to show restraint. It will be said that restraint by one side would be interpreted by the other as a sign of weakness and would thus confer an advantage on the second party. Therefore, it will be argued, retaliation is the wiser course. History, ancient or modern, does not sustain this conclusion. If the self-perpetuating cycle of violence is to be broken, one side will have to take the initiative. It would be an act of faith and courage for Israel or the Arab terrorists to take this first step, but I am confident that it would ultimately, if not immediately, serve the legitimate interests of the party that took it.

At the risk of sounding self-righteous in behalf of our government. It may be instructive to note that at no time did we meet international terrorism directed against U.S. officials or businessmen overseas by counter-terrorism. We met specific terrorist acts in Uruguay, Argentina, Brazil, the Sudan, and elsewhere with firmness and compassion and, I believe, within the rule of law. We insisted that the terrorists be captured and brought to justice. I am painfully aware that our situation is not to be compared in intensity and passion of the Middle East situations where the very integrity of states is both threatened and violated. Nevertheless, I submit, the principle of rejecting counter-terrorism is relevant.

5. The U.S. government should be commended for its various recent efforts to help curb international terrorism in the Middle East and elsewhere. Our persistent efforts through the U.N. have borne little fruit. But our direct representation to the government concerned and our assistance to many other governments, I believe, have helped. One example is the vital airport security assistance we provide on request through the FAA.

But the complex task of deterring and dealing with terrorism involves the whole range of civil police functions and responsibilities. The civil police are the first line of defense against all challenges to established order, including acts of terror or plots to commit such acts. All police skills and capabilities must be brought into play—rapid and reliable communication, mobility, logistics, identification, intelligence, record keeping, as well as the less tangible skills of professionalism and dedication to the rule of law.

AID's PUBLIC SAFETY PROGRAM

It is precisely these skills and disciplines that AID's Public Safety program has so effectively transmitted to civil police services in 49 different countries

during the past two decades. This program, which I have examined in depth in Washington and in a score of countries abroad, reached its peak in 1968 with AID expenditures of \$55 million and with 450 civil police advisers in 34 countries, including some 200 in Vietnam. The Vietnam program was terminated in January 1973 with the signing of the ceasefire agreement.

The Public Safety Program has provided training in a wide range of skills for more than 7,000 police officers and technicians from 73 countries, most of them at AID's International Police Academy in Washington, the only professional institution in the world devoted exclusively to training civil police force from the developing world. Among the subjects taught at the academy are airport security, the character and tactics of terrorist movements, identification of terrorist weapons, as well as normal police skills and procedures. As a result, AID-trained police have been able more effectively to deal with letter bombs, attempted hijackings, and other terrorist activities.

Supplementing the in-country advice and the U.S. training, AID has also provided police equipment—primarily vehicle and radios—to deserving police services. As of early 1973, 43,000 low-cost, two-way radios had been sent to 30 countries.

For political and humane reasons, certain commodities are not provided by AID. These include automatic rifles, electric shock police wands designed for crowd control, "sickening gas" which causes nausea, electronic recording equipment, and lie detectors.

From the beginning of the Public Safety effort in 1954, no adviser in any of the 49 assisted countries has ever been accused by the government of interfering improperly in internal affairs and none has been declared persona non grata. No assisted government has ever requested the termination of a public safety effort in its country.

One major finding of my study is that the Public Safety program carried practically no political cost for the United States within the assisted countries. One reason for this is its low profile, but another and perhaps more significant reason is the professional behavior of the advisers who always emphasized legal and humane methods, whether in crowd control or in interrogating suspects. At the International Police Academy and in the field, AID advisers insisted that a fingerprint or a chip of paint provided more reliable evidence than a worthless confession beat out of a man.

The evidence I gathered in the field indicated that the Public Safety program significantly improved the responsiveness, efficiency, and professionalism of the assisted police services. On this all competent observers agreed.

Last year the Congress voted to strip the Public Safety program of its overseas equipment and advisory services, except in the area of narcotics. This cutback was ironic and tragic, in my view, coming just as the United States was stepping up its worldwide campaign against illicit drugs and international terrorism.

This cutback of one of America's most efficient, effective, and appreciated technical assistance efforts is the unhappy result of disillusionment over our Vietnam involvement and a kind of creeping neo-isolationism, aided and abetted, I believe, by a strange susceptibility in some quarters to the anti-American virus, such as that found in *State of Siege*.

6. Concerning U.S. responsibility to help curb international terrorism, I have one major specific recommendation—restore the full Public Safety Program, double its resources, and mandate it to give special attention to the deterring, curbing, and control of terrorism. It has been said with some justification that the security-orientated Public Safety effort rests uneasily within an agency—AID—dedicated primarily to economic development. While I think a convincing case can be made that effective law enforcements help create an environment conducive to peaceful development and greater economic productivity, I believe the validity of assisting civil police in Asia, Africa, and Latin America must rest on its direct contribution to internal law and order, including the combatting of terrorism.

If AID is not a hospitable home for civil police assistance, why not transfer this function to an agency where it will be more at home, the Department of Justice? Many of the cabinet departments provide overseas technical assistance—Agriculture, Labor, HEW, Commerce, to say nothing of Defense.

The modalities aside, I believe the United States may make its single greatest contribution to combatting international terrorism by launching a comprehen-

sive and vigorous program of assistance to the civil police of friendly countries.

7. This specific recommendation should be considered in the light of what the United States is now doing and of other recommendations this subcommittee may generate. For one thing, we must persist in the difficult area of international cooperation. If we cannot get the United Nations to define international terrorism or to adopt measures against it, at least we can work out some common procedures to combat this common menace among friendly states. If the United States was able to negotiate an effective skyjacking treaty with Castro, certainly we can take additional practical measures with like-minded governments. One such might be an agreement among governments not to pay ransom for the victims of terrorist kidnapping. This may sound cruel, but it is one of the most effective ways of dealing with certain kinds of kidnapping. Incidentally, the U.S. Public Safety advisers in Uruguay made informal pacts with their wives and families to the effect that the family would not pay a cent if the adviser were kidnapped by a Tupamaro terrorist.

Since I have ruled out counter-terrorism on practical and moral grounds, I do want to emphasize that every legal effort be made to capture terrorists and terrorist suspects, that they be speedily brought to trial, and that those convicted should be given the maximum penalty.

8. Finally, a further word about the American press. We are blessed with a free and sometimes irresponsible press. Frequently the printed and electronic media have given the terrorists, particularly those that have been able to effect a Robin Hood image, just about what they wanted. The American press transformed a small group of criminal misfits, the SLA, into an internationally known organization. The Press sometimes plays it the other way and shows terrorists in their worst light. This is usually the case with the Arab terrorists.

I would respectively urge American TV and newspaper editors to play down terrorism, to strip it of its romantic and heroic aura, and to speak of it as a common crime perpetrated by common criminals, regardless of the banner under which they operate. Of course, if there is any justice to their cause, which is certainly the case of the Palestinians, that should be dealt with on its merits, not because a passenger plane has been blown up in the desert.

More restrained treatment in the press would tend to deter certain types of terrorism. In fact, some acts of terror would practically melt away if they were treated with benign neglect. This is not true of fanatical terrorists dedicated to an all-consuming political cause, but at least it would have some chance of reducing copy-cat terror by pathological persons seeking to assuage their frustration by violating the innocent.

U.S. PUBLIC SAFETY EFFORT IN THE MIDDLE EAST

The AID Public Safety program has been relatively small in the Middle East, compared to that in Asia and Latin America. At present, there is only one active country program, Saudi Arabia, with seven U.S. advisers. More than 160 Saudi civil police officers and technicians have been trained in the U.S., primarily at the International Police Academy. The program is fully financed by the Saudi government.

Jordan had a program from 1963 to 1969, with one to seven U.S. advisers. For various reasons the program was phased out. Last year the Crown Prince requested that a new Public Safety effort be started, specifically to help Jordan's civil police increase their capability to deal with Arab terrorists. These terrorists are a menace both to Jordan and Israel. The program was not reinstated because Congress was cutting back the overseas services worldwide. To date, 73 civil police from Jordan have been trained in the United States.

United Arab Emirates: Two months ago Abu Dhabi, the capital of these seven former small, oil-rich Arab states, requested U.S. Public Safety assistance. This request is under consideration. They, like Saudi Arabia, will pay for the program if it is approved.

Other Middle Eastern countries: In the past there have been programs in other countries in the area. But, this form of technical assistance, like all U.S. aid, has its ups and downs, reflecting the general state of U.S. relations with the governments in question. The size of the previous efforts can be roughly indicated by the number of civil police officers and technicians trained in the United States.

Iran.....	179
United Arab Republic.....	99
Iraq.....	20
Syria.....	10
Lebanon.....	9
Kuwait.....	2
Yemen.....	2

These, plus Jordan and Saudi Arabia, means there has been a total of more than 550 civil police trained from the states of the area. No police from Israel have had U.S. training under AID.

It is not unreasonable to expect that the recent troop disengagements between Israel and Egypt and between Israel and Syria, and the concurrent improvement in U.S.-Arab relations, will lead to more requests for U.S. Public Safety Assistance. One would hope that these agreements would also lead to a decrease of terrorism and counter-terrorism, but I fear that both the Arab governments and Israel will continue to be vulnerable to Arab extremists who are prepared to use terror. This will probably be the case until the Palestinian problem is settled. Consequently, there will be a continuing need for a civil police capability in this area.

Further, it should be pointed out that terrorists can direct their violence against oil pipelines and other petroleum facilities. This would hurt the oil producers and consumers alike. Police need special equipment and training to deal with this complex problem.

Mr. HAMILTON. Dr. Wolf.

STATEMENT OF DR. JOHN B. WOLF, CHAIRMAN OF THE DEPARTMENT OF CRIMINAL JUSTICE AT UNION COLLEGE

Mr. WOLF. The militant Palestinians regard the conduct of an armed struggle against Israel as their only alternative to life and death in the refugee camps; they seem convinced that violence and terror against Israelis everywhere are their sole alternative to disenfranchisement.

Regardless of past and possible future setbacks, these radical elements, such as the Black September group, are committed to the conduct of a protracted campaign of international terrorism in spite of its threat to the very fabric of civilization itself. Furthermore, their convictions and resolve have not been noticeably weakened by the terrible cost in lives already expended by their people to win back Palestine, the suicidal aspects of their international campaign of terror, the logic of Israel's overwhelming superiority, or the recent effort of Dr. Kissinger to bring about peace in the Middle East.

ROLE OF PALESTINIANS TODAY

Palestinian leaders have now agreed, according to the press, to use a two-edge weapon consisting of both diplomatic negotiations and guerrilla forays into Israel.

Consequently, the almost \$1 billion in United Nations' funds, which has gone to refugee relief and works since 1949 to support the operations of the refugee camps, has created a revolutionary situation, since the camps' confinement of a person's lifestyle breeds discontent, which can be easily turned to violence by manipulative leaders. Also, intensifying the spirit of revolt in the young Palestinian, in his awareness that both Israel and the Arab States refuse to resolve the refugee problem for reasons either pragmatic or ideological or both.

HATRED EXISTS

Thus, hatred, too, echoes in the background of Palestinian bases terrorism, as nowhere in the past-oriented Arab world do its inhabitants mourn their lost lands and glories more and are so powerless to regain them. So exclaims the young Palestinian author Fawaz Turki, in his book, "This Disinherited." I will quote a paragraph from that book.

And so I hated. I hated the world and the order of reality around me. I hated being dispossessed of a nation and an identity. I hated not being a part of a culture. I hated being a hybrid, an outcast, a zero. A problem * * *. Give me a gun, man, and I will blow my own or somebody else's brains out * * *."

Turki's words resemble others written down a century ago by the Russian author Feodor Dostoyevsky in his classic work, "The Possessed," a novel of nihilist terrorism, in which the wanton killer was held to be "possessed by devils."

Once aware that their people were unable to prevail over the Israelis, when employing either the tactics of conventional warfare—there is a difference between tactics of terrorism and those of guerrilla warfare—the new generation of Palestinians shifted to the tactics of terror.

These tactics were defined by Leon Trotsky as measures which "kill individuals and intimidate thousands."

ISRAELI TARGET OF VENGEANCE

Today the Israeli people themselves and its supporters everywhere are the targets of Palestinian vengeance. The intention of the terrorists, when employing these tactics, is to intimidate the world community—and I think this is important—by raising its costs of maintaining the status quo, and thereby to force concessions under the threat of a possible nuclear confrontation between the superpowers. Consequently, most Palestinians regard groups such as Black September as an expression of their national liberation movement whose origin and operations are the natural outgrowth of a repressed peoples struggle for independence, which has been marked by abysmal failure, making it more intense, and whose pleas for restitution are viewed by most other people as unrealistic, and most other people include myself.

IDEOLOGY INVOLVED

The ideology of this terrorist movement contains a curious mix of the ideas of not just one theorist but many. The Palestinians share, along with the Tupamaros, who have exploited Uruguay's chronic unrest for 8 years, and others, the Marxist doctrine that the revolution will emerge after a period of "armed struggle" which is to include political kidnappings, bank robberies, and assassinations.

They have disregarded, however, the Marxist caution against embarking on the course of insurrection unless sufficient forces were mobilized to overcome a well organized disciplined enemy. Instead, they adopted the Maoist notion that infiltration, conspiracy, agitation, and terror could create and prolong a revolutionary situation, which seems to be the case.

Also the ideas of the Brazilian theoretician of urban guerrilla warfare, Carlos Marighella, also mentioned here this afternoon, have had a great impact upon Black September and most other contemporary terrorist groups. In his "Minimanual of the Urban Guerrilla," Marighella remarks:

"Today to be an assailant or a terrorist is a quality that ennobles any honorable man because it is an act worthy of a revolutionary engaged in armed struggle against shameful military dictatorship and its monstrosities."

FANON INFLUENCE

Additional explanations are used by revolutionaries of the "new left" to celebrate the tactics of terror employed by Black September as positive virtues. Violence, they say, promotes the "manhood" of oppressed people, and leads to freedom and unity. This notion, obviously, is gathered from the Algerian existentialists, Albert Camus and Frantz Fanon, who were the ideological bulwarks of the Algerian FLN in their struggle against the French.

Fanon's book "The Wretched of the Earth," a chronicle of his experiences and reflections during the Algerian uprising in the 1950's, envisages a new alliance between revolutionaries and the lumpenproletariat—the criminals and idlers of society. Fanon saw "all the hopeless dregs of humanity, all who turn in circles between suicide and madness," as marching "proudly in the great procession of the awakened nation."

This concept of Fanon's is now a reality as Black September has made common cause with groups which are representative of other people with real or supposed grievances which have been translated into a popular cause. Actual evidence of an international exchange of ideas and pooling of weapons and information among terrorist groups emerged 2 years ago when information filtered into the press about American Weathermen, IRA people, terrorists from Turkey's Dev Genç group, and Tandanista guerrillas from Nicaragua, attending joint training sessions at Palestinian commando bases in Jordan.

INTERNATIONAL LINKS

Also, various individuals, serving in official capacities with police agencies of some of the world's largest cities, have concluded that certain terrorist organizations, including Palestinian groups, are currently undertaking actions which are based on the premise that their strikes would be more effective if they were coordinated internationally.

Last December, for example, the Italian Interior Minister mentioned—this was in the press—that an investigation conducted by the Italian police pointed to the presence of a shadowy extremist group which had organized and was responsible for terrorist actions at airports situated in Rome, Athens, Zurich, and Tel Aviv. Collectively these actions involved terrorists of various national origins and movements, acting in concert and resulted in the deaths of approximately 60 people.

Other information indicative of a worldwide combination of terrorists was hinted at last July when accounts in various newspapers reportedly traced numerous connections between the groups already

mentioned. Reportedly, formal links were forged between the IRA and the Arab Black September Group at a secret meeting held in Dublin between May 26 and May 28, 1972. Since then Arab arms have moved into Ireland through Belgium and West Germany and IRA men have received terrorist training at Arab guerrilla camps in Syria and Libya.

INSTANCES OF COORDINATION

The first significant known instance of international cooperation between terrorists groups occurred on May 30, 1972, when Japanese "red army" terrorists, operating jointly with the Arab terrorists, killed 26 bystanders at Tel Aviv Airport. This action apparently was made possible as a consequence of liaison which developed in November 1971, between a clandestine Arab terrorist delegation based in Tokyo, and the "red army." Subsequently, a number of Japanese terrorists, including those who participated in the Tel Aviv Airport killings, were sent to a terrorist camp in Lebanon for training terrorists.

BLACK SEPTEMBER

Black September itself, according to European and Israel sources, once consisted of between 400 and 600 members. Sources in the United States, namely, the press, however, peg the group's membership at about 100 to 200 young extremists which are divided into four main operating units that are variously responsible for Europe, the Middle East, Africa, and the Americas.

Although its members are relatively few, Black September has blazed a trail of international terrorism which has not yet been followed by similar movements. I deduce that this is so because no other movement can really be considered an international terrorist group since international terrorism on their part would not cause the major powers to alter their existing power relations. An international terrorist group is interested, I believe, in having an impact on that power balance, otherwise they would be downgraded to the role of local insurgents. In 1972 Arab terrorists sabotaged a Dutch gas-pumping station, a Hamburg-based electronics factory which made components for sale in Israel and a field of oil tanks in Trieste, Italy, which were partly owned by American firms. During the same year Black September murdered in Brühl, Germany, five Jordanian workers allegedly spying for Israel. It also hijacked a Belgian airliner, set off a blast aboard an Israeli airliner, executed the Israelis at Munich, and seized the Israeli Embassy in Bangkok, Thailand.

TERRORIST ACTS OF BLACK SEPTEMBER

Their terror list for 1973 also involved worldwide operations. Among them was the attack on the Jewish agency in Paris which was seriously damaged by a bomb planted by Black September's "French Section," the attempted hijacking of an Italian ship in Famagusta, Cyprus, destruction of a steel company in Haifa, the murder of the western diplomats in Khartoum, the positioning of three explosive-rigged cars outside two Israeli banks and the El Al Office in New York City, a bombing in Singapore, and the demolition of the ground floor of an apartment house in Nicosia, Cyprus, which was the residence of the Israeli Ambassador.

Also, last August they unleashed a murderous attack against passengers in the transit lounge of Athens airport, killing 3 people and injuring 55.

BLACK SEPTEMBER-FATAH LINK

Until March 1973, however, there was no concrete evidence to clearly establish that Black September operations were planned, controlled and coordinated by Fatah. Thus it was difficult to render a realistic assessment of the probable impact upon Black September of countermeasures executed against Fatah's more vulnerable and visible infrastructure and installations. But in late March, the Jordanian police arrested Muhammad Daoud, once chief of Fatah's central intelligence bureau in Amman. Daoud told his police interrogators that Black September was nothing but a name used by Fatah for its terrorist operations and supplied them with detailed information concerning the organization's leadership, operations and structure.

Although a relationship between Black September and Fatah has been established, Israel is still the only nation prepared to take on the terrorist organizations at gunpoint. Aware that the underlying maxim of all terrorist operations is that the psychological impact of terror in each case intends to lessen the opponent's ability to use force, Israel clearly perceives the terrorist as an instrument of modern warfare "who fights within the framework of his organization, without personal interest, for a cause he considers noble and for a respectable ideal, the same as the soldiers in the armies confronting him."

ISRAEL COUNTERCAMPAIGN

Israel, therefore, seems to have adopted a counter-terrorist campaign which both tracks Black September worldwide and retaliates against Fatah installations in the Middle East. To intimidate the terrorists, Israel tries to reverse the basic strategy of terror and use it against them, as evidenced by their position which indicates that a hostage is no protection for a terrorist. This also, I understand, is the position of the Federal Government of the United States.

Acting in conformity with this position, Israeli soldiers stormed a hijacked Belgian airliner in Tel Aviv airport in May, 1972, killing two terrorists, and Premier Golda Meir informed the West German Government during the Munich episode to "take action for the liberation of the Israeli hostages and to employ force to this end."

It may be true, also, that Israeli security agents, once engaged in a worldwide hunt for convicted Nazi war criminals, are the people being used to track Black September. Israel officially denies any connection with such a program, although reports persist that Mossad, the Israeli secret service, is definitely involved. Nevertheless, last January, the Palestine Liberation Organization's representative in Paris died as a consequence of wounds inflicted by a bomb which exploded in his apartment. In July five persons were arrested for the murder of a Moroccan in Norway, two of which admitted, according to the press, being of an Israel counterterror group trying to prevent Palestinian attacks on Israeli installations in Scandinavia. Also, other Palestinian resistance members were murdered last year, 1973, in Rome and other European cities.

ISRAELI BEIRUT RAID

Perhaps the most dramatic of recent Israeli countermeasures against the terrorists was undertaken against Fatah itself by Israeli raiders who landed on the Lebanese coast from rubber boats. It occurred on the night of April 9-10, 1973, in the cities of Beirut and Sidon, less than 12 hours after Arabs identifying themselves as belonging to "The Arab Youth Organization," believed to be a new and alternate name for Black September, dynamited the home of the Israeli Ambassador to Cyprus and tried to hijack an El Al airliner in Nicosia airport.

An Israeli military spokesman said that the raiders directed themselves against eight specific objectives, including the Beirut apartments of three Fatah leaders linked to Black September, who were killed. Major General David Elazer, the Israeli chief of staff, said that the "reason for the attack was the intensification of terrorist activity in Europe and other places during the last month" and also that "Lebanon and its capital is one of the few places in the world where terrorists of different nationalities are able to train their people, have their bases and commands and freedom to prepare their activity." "I believe," he continued, "the only way to fight the terrorist operations is to combine offensive and defensive activity."

CYCLE CONTINUES

Meanwhile this cycle of terror and counter-terror continues and the world community is hesitant to adopt plans to control it. At the United Nations, controversy exists concerning the prudence of creating an organization whose purpose would be to try to deprive people who suffer from genuine grievances of an important weapon by encouraging the international community to consiliate in defense of the status quo, which often rests on a denial of basic rights. Some United Nations members, also, are quick to mention that few nations are guiltless of having used terrorism when they thought it useful, and give particular attention to the policy of official terrorism practiced by the Governments of South Africa and Portugal, claiming that it exceeds anything that can be blamed on those who challenge their power.

It seems to me, therefore, that today the international community must prepare itself to live with this cycle of terror and counter-terror, as it is likely to continue for some time to come. Concessions by Israel to the Palestinians in the form of a binational state or some other kind of Palestinian entity may bring a halt to Middle East terrorism for a brief period. However, it is now unlikely that anything short of the total eradication of Israel and the Israelis will be a sufficient reason for young Palestinians to abandon terror as a weapon. Terror and counter-terror seem to have become institutionalized in the Middle East.

Mr. HAMILTON. Thank you, Dr. Wolf. And thank you, gentlemen. Mr. Buchanan?

TESTIMONY APPRECIATED

Mr. BUCHANAN. Thank you, Mr. Chairman.

I want to join the chairman in thanking each of you gentlemen for your testimony, and Dr. Lefever, I take particular note of your

recommendation concerning the public safety program. It was my personal feeling at the time that we might err in doing away with a program which might have significant value toward employing protection to human life and the rights of people and could be used as an instrument for them, rather than anything that might as easily be used against civil rights.

I appreciate your suggestion, and I for one will certainly take that under advisement.

Mr. HAMILTON. Thank you. Have a good trip, Mr. Buchanan.

Mr. Wilson? Is he not here?

Mr. Fountain?

WHAT SHOULD THE UNITED STATES DO?

Mr. FOUNTAIN. Thank you, Mr. Chairman. I want to commend our witnesses for their very thought-provoking statements, and particularly for setting forth so many situations which have arisen. I would simply like to ask this one question.

In the field of international terrorism, to prevent it and reduce it, what can and should the United States do?

Mr. WOLF. One thing we can do, as a consequence of our experience with the Cuban antihijacking agreement which ended such flights to Cuba, is to put some kind of similar conditions in arrangements which we make with Arab countries. Provisions which deny asylum to terrorists are what I am referring to. Most terrorists which have not been killed are today free. Only one alleged member is held by the Italians. All the others are now free men. I advocate, consequently, that in return for such things as nuclear plants we demand an agreement with the Arabs which specifies no asylum for terrorists. Also, we might consider revising our own penal code to stipulate the penalties to be levied upon those who commit terrorist acts.

Mr. LEFEVER. Mr. Fountain, may I respond?

Mr. FOUNTAIN. Does any other witness wish to supplement?

SEEK BILATERAL AGREEMENTS

Mr. LEFEVER. Yes. I think if we can deal with Castro's Cuba in negotiating an antihijacking treaty, we ought to be able to deal with friendly states in combating terrorism. We should point out to them on a bilateral and quiet basis the multiple advantages of coming to some agreement that would safeguard the rights of all parties along the lines Dr. Wolf has suggested.

One aspect of such agreements, I hope, would be that no government would ever give ransom. I wish I could say that no newspaper would ever give publicity. If publicity would stop, terrorism would decline, but that is beyond our control.

It might be instructive to point out that a number of overseas American officials, and I refer particularly to the former Public Safety team in Montevideo, Uruguay, which I visited a few years ago. The advisers made a pact with their own families that if any of them were captured by the Tupamaros, the families would not give 1 cent in tribute. Their view was that we are soldiers, civilian soldiers, working for the interests of our country abroad, and, therefore, we should not

play into the hands of the terrorists. This is in line with the position of the Government not to give in to the demands of terrorists.

It seems to me that we ought to expand this concept, not through an international like the U.N. General Assembly, which is so often used for propaganda, but rather quietly on a bilateral basis.

ROLE OF SOVIET UNION

Mr. METHVIN. I would like to add a word to this, and I emphasized this in my prepared remarks. The Soviet Union leadership just 2 days ago for the third time awarded the Order of Lenin to Comrade Yuri V. Andropov and made him a "hero of Socialist labor." Comrade Andropov heads the KGB, which maintains a terrorist organization and gives aid to terrorists around the world. This has been documented by scores of KGB defectors. This is not something from the bad old Stalinist era, this goes on today, right now, around the world.

It has been well documented by one of my colleagues here in the Washington bureau of the Reader's Digest, who wrote the definitive book on the KGB which was just published. And for President Nixon to take no cognizance of this in his dealings with the Soviet leaders, and for the rest of us to pretend that it does not exist, is somewhat suicidal.

I think that Congress should keep heat on the executive branch of this Government, that you Members of Congress by holding hearings such as this can help to focus the attention of the world on this governmental behavior.

KGB THE KEY

Three members of Politburo, the ruling group in the Soviet Union, are KGB personnel. They were promoted from the KGB. One, Aleksandr Shelepin, gave the Order of Lenin to a killer who had successfully executed two Ukrainian refugee leaders, and he is one of the 14 or 15 men who run the Soviet Union today. I was there a month ago. You see their pictures plastered everywhere. I think this record of terror and support for terrorism should be publicized, should be publicized here in the Congress of the United States. The links should be publicized.

The United States has in the past come into a great deal of information about these links and about this activity. And the executive branch in some areas has pretended this information doesn't exist, for their own political and diplomatic reasons.

I have here a couple of articles from the Digest. One of them is a 10-year-old article written by a young man who attended a terrorism school in Cuba. Another one is by a young American from Berkeley, from Stanford University, who visited in Cuba and received some careful motivational programing and technical instruction in terror, which we know was conducted by Cuban intelligence under tutelage of the KGB.

Then I have an article under my own byline in which I discussed the constitutional difficulties in coming to grips with this problem, and I would like to pass this out to you gentlemen to take a look at them. This type of material from people who have been trained in terror methods is vital.

Barron's book details what he describes as the KGB plot to destroy Mexico. Much of the terrorism in Mexico today, the kidnappings and robberies down there, are remnants of a large group of Mexicans who were recruited by the Soviet Embassy in Mexico City, transported through the Soviet Union to North Korea for guerrilla training and then transported back to Mexico to engage in urban and guerrilla warfare. And this type of thing must be publicized relentlessly. They must be made to pay a high price in world attention for this kind of activity.

And this Congress, you gentlemen, can do a great deal toward that end.

ROLE OF PRESS

Mr. FOUNTAIN. I appreciate your observations. I have just one other question, and my time may have expired, I guess, Mr. Chairman.

I am a great believer in freedom of the press, even to the point of permitting the press, as it does, to go sometimes beyond what I think is reasonable. And yet, I quite agree that the media, all forms of it, have so reported the news of terrorists' activities which gave them the feeling of being extremely important individuals, and thus, to increase terrorism throughout the world. Even so, without freedom of the press, government in this country would probably be extremely corrupt.

A few individuals can become dangerous when they have complete freedom to do whatever they want to do, however well intentioned their motives might have been to begin with. But have either of you thought in terms of what kind of restraint, if any, should be put upon the media and the publications if any are possible? Have you thought of restraints which might be exercised or what kind of regulations?

Mr. LEFEVER. Mr. Fountain, may I respond to that?

Mr. FOUNTAIN. Limitations, however mild, which might be adopted to minimize that type of thing, in addition, of course, to the education approach.

EXAMPLE OF D.C. RIOTS

Mr. LEFEVER. During the urban riots a few years ago, the authorities made a pact with the TV people to ease the situation. In the beginning of the riots in Washington, D.C., for example, live TV specified exactly where the disturbances were. This drew more people to these locations and intensified the problem. The police officers and others pointed out that this type of reporting poured oil on the fire. So they got together and developed an arrangement that would avoid identifying the specific locations of violence, leaving TV reporters free to cover the event as they saw fit.

The TV people can in a crisis engage in a certain amount of self-restraint in order to calm down the situation. The electronic media should get together and report terrorism for what it is, criminal behavior by criminals, and refrain from promoting terrorist propaganda.

The SLA got several million dollars' worth of free publicity in the press. The same is true of the Tupamaro-type terrorists in Argentina, who forced American oil companies and other companies to confess their sins in the newspapers. This, in addition to paying millions of dollars in ransom. This type of cooperation by the press plays precisely into the terrorists' hands.

As you said sir, we all believe in a free press, but I think there is something we can do to urge the press, encourage the press, to engage in a certain degree of self-restraint.

A JOURNALIST'S VIEW

Mr. METHVIN. Mr. Fountain, I am the only professional journalist here. I am a lifelong newshound, and you asked me if I had given any thought to this. My problem is now going to be to avoid slipping over into the Senate rules and talking to you for 3 days. I have given a lot of thought to it. I agree with what Dr. Lefever said about identifying riot scenes, about the response to TV cameras, and such. In a lot of ways he reminded me of what Winston Churchill said. He also was a journalist, and he used to quote this quatrain: "You cannot hope to bribe or twist, thank God, the English journalist. But seeing what the man will do unbribed, there's no occasion to."

I do think that many of our journalists are terribly superficially educated in the social psychology of 20th century mass hysteria; they don't understand their own role then, and this ignorance is a dangerous thing.

I would just like to tell you very briefly about three episodes. One, the FLQ in Canada. Probably the most thorough inquest ever into a terrorist organization was done by a Montreal psychiatrist named Dr. Morf, who interviewed all of the captives from the FLQ over about a 10-year period, all those that the police had been able to capture and convict. And he came away with his basic analysis that many of them were victims of a kind of arrested adolescent outlook on the world. They were engaged in playing sort of a perennial game of cops and robbers, black hats versus white hats, fairytale ideology. And he also said they were a lot like teenagers playing pirates.

MEDIA CAN HELP BY EXPOSING TERRORISTS

And it seems to me terribly important that the media understand this. And so, when you take this character like they have got in the SLA, Cinque, with his self-inflating rhetoric about his army and all of its many units, and so on, when there were just six or a dozen of them, the media ought to strip them of their self-delusions.

I think Charlie Chaplin's great film "The Great Dictator," if that could have been made in Munich in 1923, instead of 1938, the world might have been saved a great deal of horror.

SOUTHERN JOURNALISTIC TRADITION

I have always thought that Southern journalistic tradition in this country had a great deal to offer because the Southern journalists grew up with a different tradition from that which evolved in the American mainstream with figures such as Hearst or Pulitzer. The Southern journalists had an experience with race hate and lynchings and mass hysteria that sobered them a great deal and made them realize how much importance attaches to decisions about how you played the news of this kind of thing, of terrorism; we are talking about Ku Klux terrorism as it existed in the South in the first half of this century.

Southern journalists developed a whole array of techniques. You can call it propaganda if you want to, but they threw the conventional ideas of American journalism out the window. And for Associated Press to fire a photographer for talking to the FBI during the insur-

gency in South Dakota is a horrendous atrocity. Just ask yourself what would have happened if a reporter could have slipped into a Klan meeting in the South and reported to the FBI and everybody else about that operation. Why, he would have been given a Pulitzer Prize.

RALPH MCGILL'S PULITZER

So, I think that this distinction is one we have to draw. I am thinking also, for example, of Ralph McGill's Pulitzer Prize. He won it for writing a column after the bombing of the Atlanta synagogue in 1958. He took out not after the people who planted the bomb, but after the judges, the prosecutors, the Governors who had made inflammatory statements about defying law and order, and so forth. He took out after what Trotsky called the screen of sympathizers, and McGill stripped that screen so it became very unpopular to lend any kind of support to this terrorism. The same principle should apply to terrorists today. But somehow in the 1960's, Ku Kluxers operating with beards and long hair were not perceived as such by many of the dominant editorial writers and TV commentators and so forth.

Oddly enough, McGill himself was criticized when he used some of the same tactics on the SNCC group, Stokely Carmichael & Co. McGill was a great one for infiltrating and getting informants and publicizing some of the extremists' inner working techniques and their blatant tactics, with the result that they were discredited, and this time McGill was criticized. But McGill knew Kluxery when he saw it, whatever the color of the sheet, or what you call it.

I agree with you, the journalists have a great deal more to learn about handling the problem of 20th century terrorism.

And now I better shut up. I can go some more, but you may have some questions.

Mr. FOUNTAIN. Thank you.

Any other comments? Thank you, Mr. Chairman.

Mr. HAMILTON. Mr. Gilman.

GIVING ADVICE TO MIDEAST STATES

Mr. GILMAN. Thank you, Mr. Chairman.

Gentlemen, I join my colleagues in appreciation of your definition of some of these problems and focusing attention on some of the needs in this area. What advice do you think our Government should be giving the Middle East governments to prevent some of the terrorism, for example, from crossing the Lebanese border into Israel?

Mr. WOLF. Yes, I could answer that. Lebanon, as you gentlemen know, exists in a thin balance between Christians and Muslims, so consequently any existing regime which would try to suppress guerrilla activity inside that country would not survive for any long period of time. This has been the plight of all governments of that country since the 1958 war. Today the Lebanese have virtually surrendered sovereignty of the southern half of their country to the guerrillas.

Occasionally, the Lebanese Army attempts to suppress guerrilla activity. Some of the Lebanese troops reportedly, however, do not fire their weapons against the guerrillas. You also see the situation of Israel plunging over the Lebanese border almost at will to take over guerrilla held sections. These actions, I assume, are defensive and de-

signed to clean out nests of guerrilla movement. The Israelis hold this geography for a day, 24 hours, 36 hours, and then go home.

The Lebanese Army makes moves to support the guerrillas, but again does not involve itself in the actual combat. So the key is Lebanon, and I think because of America's association with Lebanon over the last 20 years, particularly since we went to Lebanon and saved the Chamoun regime in the Lebanese crisis of 1958, I think we are interested in a stable Lebanon. The Arab guerrillas know this and consequently feel free to use the southern half of that country for their strikes since they calculate that the United States will stay Israeli power.

In Jordan, the king has been in a tenuous balance ever since he has been king. His entire family historically has been that way. He lashed out once a year or two ago and suppressed a guerrilla revolt. Now I understand that the guerrillas are once again establishing their bases in Jordan.

Perhaps one thing the king would like to do is to establish some kind of national home for the Palestinians which might reduce the intensity of their wrath against the Israelis. But it is my own personal conviction that if he gives the terrorists a little bit, they are going to want more, and once inside Israeli-held territory they are going to want Haifa, Tel Aviv, and all other pieces of their former homeland.

Mr. GILMAN. That is apparently the feeling in Israel, that once you start, where do you stop. Do any of you other gentlemen have some opinion?

LEBANESE PROBLEM

Mr. LEFEVER. Mr. Gilman, it is a very difficult problem. Israel holds Lebanon responsible for any terrorists that come from its soil. In a strict legal sense, Lebanon is responsible. As Dr. Wolf indicated, the government in Beirut is not exercising full de facto sovereignty over its own territory.

So there is a state of suspended sovereignty in southern Lebanon. This situation suggests a solution which I have not heard advanced before. Perhaps we need a formal cease-fire and a withdrawal there, just as was recently negotiated between Egypt and Israel and Syria and Israel.

I would like to make another distinction, if I may, in this connection.

Mr. GILMAN. Excuse me. If I might interrupt you, you are suggesting a cease-fire between Israel and Lebanon, even though they have not been at war with each other?

A LEBANESE-ISRAEL AGREEMENT

Mr. LEFEVER. I am suggesting something, sir, more complex than that. And it is difficult to find the proper words. Normally, the discourse of international politics involves two sovereign states. But in the Middle East we have another entity which is not a sovereign state, it is disaffected Palestinians, and various shades of extremist terrorist groups which are seeking legitimacy and attention.

I am suggesting the exploration, and this would take a lot of new thinking, of a kind of separation or cease-fire zone, to separate Israel and the guerrillas that are trained and are based in Lebanon. I don't

know what form this would take. This is a new idea that I have not thought through.

But let me go on to make this distinction, which may help clarify the proposal. It has to do with the definition of terrorism. I think this should be very clear. Vigorous action against terrorists, in my view, is not terrorism. Terrorism is violence against innocent civilians, partly because one cannot always get at the terrorists. A domestic incident will illustrate the point. The other day in California SLA was holed up in a house. The police called them on the bullhorns: "Come out with your hands up," but they did not respond. The police then lobbed in tear gas; they did not come out. The next stage was firing which came from the house; then the police fired into the house where they were. This was not terrorist or brutal police behavior. They acted essentially in self-defense.

TYPES OF TERRORIST ACTS

When Israel is invaded by terrorists from Lebanon or anywhere else and it takes vigorous acts to capture them, to bring them to justice, that is not terrorist activity, in my view. Counter-terrorism is something like shooting up the Beirut Airport for something that happened in Athens, or bombing a Palestinian refugee camp in which, to be sure, there are some terrorists, but there are a lot of innocent people.

These distinctions are very important morally and politically to understand this problem. Such distinctions might help us to think of how to separate forces or achieve a cease-fire or a disengagement along that border where the people in Lebanon are living in the state of suspended sovereignty. It is a very complex matter, and there is no easy answer.

GET RID OF REFUGEE CAMPS

Mr. METHVIN. Mr. Gilman, the question: What advice should the committee give these governments? Answer: Do something to get rid of those refugee camps, get those refugees out of there and into a real life situation. And above all that advice should be addressed to Israel. Those people were pushed out of their homeland. We must not forget that 25 years ago it was the Israeli terror organization that blew up the King David Hotel. They were involved in terrorism then. They were the ones perpetrating terrorism.

I go back to the classic counterinsurgency or counter-terrorism plan of all time which was written by George Washington in 1786 at the time of Shay's Rebellion when they had a lot of dispossessed farmers, dispossessed by the liquidity crunch, credit crunch, taking up arms against courts in Massachusetts, western Massachusetts.

George Washington wrote to Harry Lee, saying:

Know what grievances are of the people and do what you can to solve them. Or if you can do nothing at the present time, let it at least be known that you understand them, and will try to take care of them when you can. But in any case, let the hands of the Government be held in a steady rein, and every violation of the Constitution be met with force.

It was interesting that this was in 1786, and he was talking then about a Constitution which yet was not written down, but he was talking about due process of law.

But, Israel's refusal to take action about those refugee camps, to acknowledge a responsibility, is in my opinion a morally indefensible position, and I have heard all the answers. I have said the same thing to a lot of supporters of the Israeli cause. I know what their answers are, and they have some justice on their side.

But I think a magnanimous gesture, particularly at this time, could go a long way toward bringing peace to that area.

CURBING TERRORISM

Mr. GILMAN. There are some experts who proclaim that no matter what concessions are made to the Palestinians, that they will not be satisfied until the state of Israel is completely wiped out.

Now, what I am going to ask you is you have made some comment about the Soviet Union stimulating some terrorist activities, and some of you have made comments about a worldwide effort or alliance of international terroristic activities, and apparently there are other nations who stimulate terroristic activities within these areas.

What can be done to minimize that sort of activity and to minimize the result from that activity?

Mr. WOLF. One thing that is necessary to prevent terrorism is to develop an information system which will identify all known terrorists and exchange such information on a need-to-know basis between police organizations. If possible and legal this system should be placed on-line now.

Computerized information systems as you know are currently planned for implementation in our criminal justice system. I understand there is a bill in Congress by Representative Rodino, which considers the implication of implementing these systems. Certainly, we are interested in protecting the rights of free people in a free society, as the Rodino bill advocates but we have to define certain limitations in this area. For example, what is relevant information, how can this information be used, how can it be stored, who should have access to it. We have yet to answer these questions.

TECHNICAL ASSISTANCE NEEDED

Mr. LEFEVER. Mr. Chairman, there is one specific form of technical assistance that deserves attention. There are still some international airports in the world which lack sophisticated equipment for taking pictures of passports and relevant visas. Our Government has provided such equipment to friendly governments. I agree that there needs to be an improved communications network. This won't solve all problems, whether it is computerized or not, but we need this.

On the larger and much more difficult question of Soviet or Chinese assistance to terrorist groups, whether they be in Northern Ireland or in Quebec, we can do little directly to stop the flow of arms. But we can help those countries deal more effectively with infiltration and subversion by helping to upgrade the quality of their civil police by transmitting modern techniques and equipment.

Mr. GILMAN. Thank you, gentlemen.

Thank you, Mr. Chairman.

Mr. HAMILTON. Mr. Wolff.

SLA AND THE PRESS

Mr. WOLFF. Thank you, Mr. Chairman.

I want to underline some of the these things said about the so-called Symbianese Liberation Group. I don't dignify it by calling it army as unfortunately the press do. We have youth gangs in New York that are bigger. And I think that is part of the problem. However, I do feel that it is an impossibility for us to in any way control the press, even if we wanted to, because Mr. Methvin, even you have indicated that your magazine has run articles on various terrorist organizations. That is somewhat in contradiction to the admonition of attempting to in some way sanitize these things; I too come from the media.

Mr. METHVIN. I know.

Mr. WOLFF. It is pretty difficult for the media not to respond to the demands of their readers—

Mr. METHVIN. It is impossible.

Mr. WOLFF [continuing]. Who want details, and want it as quickly as possible. And with communications being what they are today, so-called instant communications, it is almost impossible to eliminate this. Perhaps the ANPA and a lot of other organizations, however, should be alerted to the fact that what they are doing is not only increasing their circulation, but increasing the level of violence in the world.

One area that has not been touched upon, but I have seen here, is increase in the level of violence that can possibly occur in the wave of terrorism. I have not heard anybody talk here, perhaps you talked about it before I came in, about the so-called nuclear proliferation that is upon us with these new agreements.

I was wondering what you gentlemen feel about this. Do you think we ought to go ahead or have some second thoughts?

TERRORISM AND NUCLEAR COOPERATION

Mr. LEFEVER. May I respond to that? I am about to embark on a study at the Brookings Institution on the subject of nuclear weapons proliferation. The new U.S. agreements with Egypt and Israel for developing a nuclear power plant in each country are accompanied by elaborate procedures developed by the U.S. Atomic Energy Commission and the International Atomic Energy Agency. The provision of this technology with the safeguard does not absolutely insure that no resources will be directed to weapons production.

India has been provided with a certain amount of nuclear technology by this country and by Canada. But on its own, India seemed to violate if not the letter, at least, the spirit of these agreements and diverted some of the nuclear material for weapons use, for explosive use.

I am quite sure, although I haven't seen the documents and maybe you have, that the United States has surrounded the agreements with Egypt and Israel.

SAFEGUARDS

Mr. WOLFF. Safeguards are only as good as the people who initiate those safeguards, as well as the steps that are taken in the future in order to try to police those efforts.

Mr. LEFEVER. That is true, but you have to rely on something more than legal safeguards. There are legal safeguards, there are words on paper, but there also must be political and economic constraints and incentives.

Mr. WOLFF. Suppose we give a reactor, that is part of the program. First, the technology, then the reactor, then Mr. Sadat isn't there any longer, or someone else has taken over in Israel, and they then decide to throw us out. You know, they have thrown other people out before. We had a big base in Libya. It cost us \$2 billion for our bases in Libya. They decided "out you go," they then decide they are going to take over the reactor and do with it what they want.

Now, what safeguards can you possibly have against something like that?

Mr. LEFEVER. There is no certain safeguard except a perception of self-interest on the part of the smaller powers that recognizes the relative disutility of moving in this direction.

India may think it has achieved a new status on the world stage by this explosion. But it will take much more than one nuclear explosion to offset the population explosion. There is a long, long way between what India now has and the prestige or nuisance value on the international scene of a developed nuclear capability.

RISKS INVOLVED

Mr. WOLFF. The important element, though, relating to what a government might do and what the level of violence as the result of terrorist activities, I think, is something to which we should give consideration.

Secretary Schlesinger said today he thinks there is a lot of risk involved in this, and he would prefer the cons come before the pros when it comes to the idea of granting these nuclear agreements. Anyone else on the panel?

Mr. WOLF. Just one statement; which may be related to this discussion Mr. Representative.

We know that in Italy the Italian police picked up on the beach at Ostia outside of Rome, Soviet Strela, hand-carried missiles. You are probably aware of this, also unconfirmed reports say that Strelas have circulated throughout northern Europe and some have gone to the IRA.

Also, the SLA claimed in Los Angeles that it downed a police helicopter with one. This report, however, turned out to be erroneous. But apparently these missiles are in the hands of some terrorist groups.

TERRORISTS TRAINED ABROAD FOR UNITED STATES

Mr. WOLFF. Now, one of the things you touched on before is the training and the help that some of these terrorists are getting from the outside. We had someone before us recently from the State Department, the new Deputy Secretary or Under Secretary for terrorist activity, and he indicated that they found no evidence. You see—we do have an Under Secretary for that.

Mr. GILMAN. Evidence for or against?

Mr. WOLFF. I don't know whether for or against.

Mr. LEFEVER. For, I guess.

Mr. WOLFF. I asked him a question about some of these nations that we are starting to do business with again. Algeria, for example. We knew that Black Panthers used Algeria as a base in the past. I wonder if any of you gentlemen have any information as to whether or not any of these people were trained there or in any other place in the world at all?

SOVIET INVOLVEMENT

Mr. METHVIN. Mr. Wolff, if I may respond to that, this information comes constantly, and it is a simple matter of intelligence, watching, keeping a watch on it. The latest and best source on that is the latest taken from our intelligence watch around the world. The CIA has been shifting a great deal of attention to this. But there is no secret about the support of certain governments given to this type of terrorist activity.

The Barron book on the KGB is the latest published source with ample documentation based on interviews with KGB defectors around the world which Mr. Barron spent 6 years gathering.

I would like to touch for a moment on the earlier comment you made about the coverage of terrorists. Yes, my magazine has covered terrorism. You can't not cover it. But the key is how you cover it. I have here, for example, two articles, one by a young man who went through a Castro terrorist school and one by a young American who went through a certain training and indoctrination program in Cuba. These articles covering the terrorist operations from the inside, by people who have been into it and out of it again, would not in any way encourage emulation. In fact, any reader of these articles, I think, would have a healthy vaccination against this kind of epidemiology.

MEDIA ROLE

I agree with you that it is absurd for the media to pick up the propaganda of these people and glorify them without using quote marks; for instance, simple little quotation marks around the term "Symbionese Liberation Army" whenever it appears.

What is wrong with common words, "a terrorist gang" or "terrorist gang today" or "kidnapers demanding"? Instead, they simply pick up these self-glorifying terms.

So, I certainly agree that there has got to be some change in the way the media handles this, and too many of our news editors on the wire desks and broadcast desks are just totally unconscious of the extent to which they have become passive patsies for the modern Adolph Hitlers walking around using them for recruiting agents.

And this problem has got to be solved by both increasing sophistication within the media, professional development, and constant criticism of the media from outside and inside wherever you see this kind of thing.

Mr. GILMAN. Will the gentleman yield?

Mr. WOLFF. I don't think I have any more time.

Mr. HAMILTON. Mr. Methvin has mentioned these articles in the Reader's Digest.

Mr. METHVIN. I have copies.

Mr. HAMILTON. I think it would be appropriate that we make those part of the transcript of the committee hearings.

Mr. METHVIN. I have reprints.

Mr. HAMILTON. Without objection, so ordered.⁵

Mr. Wolff, do you have another question?

CAPITAL PUNISHMENT FOR TERRORISTS

Mr. WOLFF. Yes; if I could have one final question.

We have had on both sides of this question a great mixed reaction. Do you think capital punishment is an answer to terrorism?

Mr. LEFEVER. May I respond to that very controversial issue by also saying I happen to be an ordained clergyman with a Ph. D. in social ethics. Like most Americans, I have been brought up in tradition against capital punishment. In 1948, I found myself at the founding meeting of the World Council of Churches in Amsterdam standing beside the Archbishop of Canterbury, and I said to him, "Mr. Archbishop, I heard that you just came out for capital punishment in Britain. How do you justify this?"

He said, "Are you a member of the press?"

I said, "No, I am an American theological student."

He said he supported capital punishment for "heinous crimes" only.

I thought about that for 20 years, and I have come to the conclusion that the people who are for capital punishment for certain extremely serious crimes do have a point. There is one thing you can say for capital punishment; a criminal subjected to it will never repeat a capital or any other crime.

No one knows the exact deterrent value of capital punishment.

Our researchers go around and interview criminals and ask if they were deterred by capital punishment. Obviously they were not. They committed their crimes. We do not know how many would-be criminals were deterred. Hence, it is impossible to know how much it does or does not deter. I think capital punishment should be given serious consideration for those categories of crime that have been specified in a number of the recent State legislature reenactments of capital punishment.

DEATH PENALTY AS DETERRENCE

Mr. METHVIN. Mr. Wolff, I would say simply I was a fence-sitter on this issue for a long time. But one thing, one experience persuaded me, and that was the experience of the Yablonski murder in Pennsylvania, and the fact that it was the threat of death sentence that enabled the law enforcement officials to unwind the many layers of that conspiracy to the very top.

The only way that law enforcement can break open the conspiratorial layers of modern conspiratorial organizations is to get the small fry and squeeze them and go after the big fish that way. And the death penalty is a very significant weapon in this fight.

I also think, and there is plenty of empirical evidence to document it, that the death penalty does deter. There is many an armed robber who has not pulled the trigger for fear of the death penalty, and there are some who have pulled the trigger since executions ceased and

⁵ The articles referred to appear on p. 196.

said they were doing it to wipe out witnesses. Because there is no penalty for wiping out the witnesses now, without the death penalty—

Mr. WOLFF. Of course, if we had the death penalty for airline hijacking, for example, the question would be the hijacker would have very little to lose by killing all the people, and therefore is this really a deterrent, or doesn't it sometimes act as an inspiration to further crime?

Perhaps we could consider not a mandatory death penalty, but a permissive death penalty so that there is the chance either way that a man could go free or live.

Mr. METHVIN. It is a problem of discretion, and you have got five justices who say there cannot be any discretion.

SOME TERRORISTS DO NOT MIND DYING

Mr. WOLF. I would like to say one thing about this matter. Many of these terrorists, particularly Arabs, are prepared to die anyhow; they are ready to die. But I would also say that, with capital punishment, when you electrocute them, or whatever else you use, the terrorist dies in silence. So if we are interested in information of their terrorist infra-structure or other aspect of a movement, we would say capital punishment stops information.

Mr. LEFEVER. Another thing, Mr. Wolff, capital punishment will not deter the suicidal ones, the totally fanatic.

There is no solution to any of these things, there is no one thing that will deal with all crime. Seatbelts are effective only in certain types of accidents. A fallout shelter is effective only in certain types of situations, and capital punishment can be effective in deterring only certain types of crimes committed by certain types of people.

The question is, and I don't know the answer, whether society is better served by having a selective capital punishment act on the books, or society is better served, the innocent better protected, and order better preserved, by its complete abolition. There is no easy answer.

Mr. WOLFF. Thank you.

Mr. HAMILTON. Mr. Gilman, do you have another question?

USING AID TO INFLUENCE STATES

Mr. GILMAN. Yes, thank you, Mr. Chairman.

Gentleman, in trying to prevent terrorism, would you go so far as to suggest that our aid or security assistance be contingent upon foreign countries enforcing stringent regulations in regard to terrorism?

Mr. WOLF. Yes.

Mr. METHVIN. Yes.

Mr. LEFEVER. Almost, yes. I am reluctant to interfere in internal affairs of another country. But, since international terrorism is not only internal, I think we could put the heat on fairly strongly, but under certain circumstances might want to give a bit.

Suppose terrorism was not a big problem in a particular country and its government was unwilling to accept stringent measures. At the same time, we had other interests that could be protected by economic aid or security assistance. Under these circumstances, we might want to provide aid.

The giving or withholding of aid should be based on multiple factors, of which willingness to cooperate in combatting terrorism should be a very important one.

Mr. METHVIN. Mr. Gilman, we shouldn't think only about aid. Trade relations—most favored nation status for the Soviet Union now in the Congress is tied to the question of Jewish emigration. It seems to me it ought to be tied directly to KGB operations abroad.

Mr. GILMAN. Thank you, gentlemen. Thank you, Mr. Chairman.

U.S. POLICY ON TERRORISM

Mr. HAMILTON. Gentlemen, Ambassador Hoffacker last week described the U.S. policy on terrorism as one being very firm, tough refusal to pay any kind of ransom; to resist all forms of blackmail. I take it all of you would agree with that general posture, that our Government has formally announced; is that correct?

Mr. LEFEVER. I would.

Mr. WOLF. I would.

Mr. HAMILTON. Mr. Methvin?

Mr. METHVIN. Yes, sir.

SHOWING FLEXIBILITY

Mr. HAMILTON. Do you see any circumstances when the United States ought to be flexible with regard to terrorists? I think, for example, of the acts by the Israeli Government, which I am sure you are familiar with, they too have a very firm policy, and frequently announced it. Yet, it was reported at least, that at one point during the Maalot incident the government made a decision to meet the demands of the terrorists. And Mrs. Meir commented on it, at that point, because of the children involved they felt they had to do it. How do you respond to that circumstance? Was that a mistake on the Israel Cabinet's part?

Mr. WOLF. Yes; the terrorists were probing for a weakness and they found it. I was glad to see the Israel Government reverse its position and come back to a firm stand. Otherwise, there would be a pattern established of terrorists going after Israeli children.

Mr. HAMILTON. You think the policy ought never to be broken, then?

Mr. WOLF. Yes; a firm policy must be established and held to.

Mr. HAMILTON. Now, the United States?

Mr. WOLF. However such a policy is difficult to live with.

Mr. HAMILTON. Yes.

Mr. WOLF. It is sad, that children have to be involved in this kind of thing, but there is no choice.

POLICY OF U.S. COMPANIES

Mr. HAMILTON. Now, there are a number of United States companies that have to deal with this question. And it seems to me that pattern developing there is the opposite of what you are describing; they pay the ransom, in effect. Would all of you advise those companies that they are making a serious mistake?

Mr. METHVIN. Mr. Hamilton, I would say Congress ought to write a law just as fast as it can, making it illegal for any corporate officer

or any kind of foundation to pay terrorists in any way. The money that has been paid to the Argentine terrorists has been put to use to train additional terrorists.

The Ford Company, the Exxon Company, were insane to do what they did. I cannot muster language strong enough to condemn it, because these people have not studied the history and mentality we are dealing with here. There is no way to buy them off. The policy has got to be, 103 percent of the time, no ransom, no dealing.

I remember old Teddy Roosevelt said, "I want a Perdicaris alive or Rassouli dead," and that policy ended the problem for a while. We sent Stephen Decatur into Algiers with a squadron of ships to wipe out the Algiers pirates and end the ransom payments in 1801.

This should be the standing policy of the United States Government for all time. What's more, we should not tolerate use of proxies like Cuba and like Czechoslovakia in feeding these terrorists around the world.

POSSIBLE LAW PROHIBITING RANSOM

Mr. HAMILTON. How, would you other two gentlemen agree we ought to go beyond expression of disapproval of the United States companies paying ransom, but enact a law to prohibit them from doing it?

Mr. LEFEVER. I am not sure a law should be enacted, but I think a sense of the Congress statement might well be made to this effect. The corporations themselves should recognize they are living in a difficult world and, just like the public safety advisers in Uruguay, decide on their own not to pay ransom.

Therefore, a corporate executive going to Argentina or any other place where he might be held for ransom, perhaps should be required by his company to sign a statement that he recognizes that he may be the victim of kidnaping, and he agrees with the policy that his corporation should not pay a ransom in his behalf.

Mr. HAMILTON. Dr. Wolf, do you support such a law?

Mr. WOLF. No; I do not.

Mr. HAMILTON. You would not?

Mr. WOLF. No. I personally, as a manager of a company would operate under such a law. But imposing restrictions on corporate entities in free society—

Mr. LEFEVER. That is my problem.

Mr. METHVIN. A corporation is a create of society, created by legislative acts.

Mr. WOLFF. Mr. Chairman, would you yield a moment on that point?

Mr. HAMILTON. Yes.

RANSOM WRITTEN OFF

Mr. WOLFF. I think what we are all overlooking is the fact that the corporation does not pay anything; the U.S. Government and the people of the U.S. Government pay it, because the fact is they take it off as a loss on their taxes, so we are paying it. So, the corporation is not giving up anything, really.

Mr. METHVIN. A corporation does not have any individual constitutional rights. It is a creature of the state, a creature of the law.

Mr. WOLF. Maybe those laws could be rewritten, Mr. Representative, to prevent corporations from acting as you describe.

Mr. LEFEVER. Preventing corporations from writing off ransom money as a tax deduction?

Mr. WOLF. It is very difficult to go to a father or mother or sister or brother of a person held by terrorists and say don't pay; it is very difficult to do. I wouldn't want to put myself in that position. I think families have to reserve certain basic rights and basic opportunities. If it was my child, I think I would try to raise as much money as possible for her ransom.

DO NOT PREFER INTERNATIONAL FORUMS

Mr. HAMILTON. I noticed an absence of any comment about the use of international forums to deal with this problem of terrorism, by and large, at least you haven't stressed that. Do any of you have confidence in international treaties? There has been some reference to bilateral efforts and a Cuban treaty.

Mr. WOLF. The Cuban treaty, I think, is excellent.

Mr. HAMILTON. But do you have it through the United Nations? Do you have much confidence in that?

Mr. LEFEVER. I think we should persist in the effort to get an international agreement. But as Ambassador Hoffacker pointed out last week, some nations insist that there is both just and unjust terrorism. So if they cannot agree on a definition of terrorism in that forum, how can they be expected to accept specific obligations and disciplines of signatory parties to an effective treaty?

Therefore, I think a much more profitable line of activity is bilateral negotiations with friendly powers. What is going on in Sudan is very important. I am surprised it hasn't been mentioned today. It might be the first case in which Arab terrorists are tried, found guilty, and given a significant penalty. This would be terribly important if it occurs. I assume that the U.S. Government has been exerting a maximum pressure quietly and diplomatically for justice to be done in this case. This would help tremendously.

LEVERAGE AGAINST CERTAIN STATES

Mr. HAMILTON. The principal source of funds for terrorists in the Middle East seem to be Kuwait, Libya, and Iraq. Are there any leverages which the United States might have with regard to those three countries that come to your mind?

Mr. WOLF. Certainly Iraq seems to be on the distant edge of its relations with us. Thus we don't have much diplomatic leverage with it. The IPC pipeline goes through Syria. I am not exactly sure if the oil which runs through this lead is of importance to us now as it was in the past. If it is still important, we have no leverage at all.

Kuwait—I would think in view of the present energy crisis that we would be catering to Kuwait rather than the other way around, similar to our diplomacy with Saudi Arabia.

In Libya we have less influence than any other major power.

Mr. HAMILTON. You seem to say in your statement, Dr. Wolf, or you do say that we are going to be living with terrorism for quite a while.

Mr. WOLF. Yes; I believe that in a free society there is little we can do to restrict terrorism.

Mr. HAMILTON. Do you see this problem getting worse?

Mr. WOLF. Yes; I do. I see it intensifying because of the limitations placed upon the criminal justice system.

Mr. HAMILTON. Mr. Methvin?

ROOT CAUSES

Mr. METHVIN. Mr. Chairman, I not only agree with it, but I will underline and put an exclamation point behind it. I have tried to stress in what I said the more proximate causes of terrorism, with little emphasis on so-called root causes of poverty, hunger, and disease, and so forth.

But I'm going to undo it and execute a reverse now, and maybe blow it out of proportion again. I see terribly distressing signs that the world is headed into a new season of terrorism and political extremism. And the result may pale the genocidal crimes we've seen so far in the 20th century. We are witnessing a rising Malthusian crisis in a world knit together for the first time by Telstar communications satellites and global television networks. We see responsible U.N. officials and agencies reporting that 400 to 800 million people, principally children and women, are suffering malnutrition and starvation, and millions more are jobless and homeless in the onrushing urbanization.

UNIVERSAL REFUGEE CAMP

We see emerging in the world today a kind of an almost universal Palestine refugee camp of about 2 billion people, and a symbolism which can easily be manipulated who make it their profession to manipulate masses. Some people work in advertising agencies to send the curves up on their clients' soap sales charts; and some work in intelligence agencies to send up the curves of kidnappings, police assassinations, and other terrorist incidents. And they use a common method of bombarding masses with symbols through mass media. Today we see Senator Humphrey urging Americans to eat one less hamburger a week and give up fertilizing their lawns to help feed hungry Asians, Africans, Latin Americans. We see echoing editorials in the Washington Post and New York Times, the dominant daily media in the two greatest mass media centers in the world. This is the beginning of a global social catastrophe—and perhaps of the development of a symbolism of class warfare that carries the potential of mobilizing the latent hate energies of thousands of disaffected young people from Berkeley to Bombay, Los Angeles to Lagos, Boston to Buenos Aires, New York to New Delhi. And let's face it: There are governments and intelligence agencies that have both the will and skill in manipulating this symbolism, and focusing these energies, to mobilize and direct them into a global epidemic of terrorism. If experience is any guide, we will see just such a development.

Dr. Wolf painted very beautifully the Frantz Fanon idea of the alliance between the revolutionists, the terrorists, with the lumpenproletariat, and using these masses to march to kingdom come. And that is a very real development I see coming, because we are going to be faced within the world some massive starvation and massive impoverishment.

DOES BLACK SEPTEMBER STILL EXIST?

Mr. HAMILTON. Dr. Wolf, you made reference to the links between the Fatah and Black September group. Do you think Black September still exists?

Mr. WOLF. I see Black September as an alias force, a group of young enraged Palestinians who have changed their name as conditions warrant. I see people like Arafat, and Fatah, becoming increasingly more moderate and being pushed aside by new leaders who attract the radical youth, and then start to build a terrorist organization.

Consequently, let me just say that Black September is simply a name for the young radicalized, almost ghettoized, Palestinian youths who see violence as their only recourse.

CHARACTERISTICS OF TERRORISTS

Mr. HAMILTON. What are the general characteristics of a terrorist, or can you generalize as to the type of person who becomes a terrorist? You mentioned the father-son relationship being important in your study of terrorists.

Mr. METHVIN. Yes.

Mr. HAMILTON. Is that the key?

Mr. METHVIN. Mr. Chairman, it is and is not. That is a wishy-washy answer, isn't it?

Mr. HAMILTON. Yes.

Mr. METHVIN. But it is a general pattern of most criminal leaders. Stalin, for example, started out as a bank robber. In political gangs, he was politicalizing criminals. In our own country, some of the key youngsters who go off into the terrorist camp have been youngsters from broken families; some of the key propagandists who have not gone terrorist have come from broken families. Lee Harvey Oswald's father died before he was born.

Mr. HAMILTON. Yes, but there are a lot of exceptions to this, too.

Mr. METHVIN. Of course, there are. I am talking about a general tendency, a statistical regularity.

Mr. HAMILTON. I know.

CERTAIN TENDENCIES

Mr. METHVIN. Social science cannot give us a definite answer on individuals. They can only point to statistical tendencies. Given certain family constellations, you will tend to have a fairly high proportion of persons, distorted persons, that go off to political extremism.

There is a book done 20 years ago called "The Appeals of Communism" done at Princeton University which was an attempt to apply social science methodology, particularly survey methodology, to the Communist Parties in the United States and several West European countries, and they found an extraordinary high percentage of individuals who had definite neurotic syndromes and psychopathic backgrounds.

So you have this disproportionate tendency. But you cannot identify individuals. I have been considerably impressed by what seems to have happened in the Patricia Hearst affair.

I believe, as I say in my prepared statement, that we all carry basic psychodynamic formations from adolescence. If we fell under influence of a character like Adolf Hitler or "Cinque" or Charles Manson, most of us at some stage could be vulnerable to this type of pathology.

Albert Speer, in his memoirs, used a phrase that was very revealing. He was trying, as a mature man after 20 years in prison, to explain his own young experience. He said living in the Hitler era was like living in a hall of distorting mirrors, there were no bearings you could get on morality. A person gets on one of these conveyor belts of propaganda in the fringes of SDS on campus in the late 1960's, for example, which generated the "Weather People," and he began progressively to go into the ever-narrowing circle of people, his contacts with parents and everybody began to be cut out. So that his only media in the world were the extremist media, he would only talk to his fellow converts, and everything that they said confirmed his view of a Messianic need to destroy.

They used the phrase "We are living in the bowels of the imperialist monster," and this psychology, I think, is a very powerful one against which, among a large percentage of healthy individuals, their defenses could be overborne.

TERRORISTS WANT CRIMINAL BEHAVIOR PRAISED

Mr. LEFEVER. Mr. Chairman, just two points. The psychopathology of these people has been explained. But there are two other elements which fit into what Mr. Methvin has said. One is a tendency of people who for whatever reasons engaged in criminal behavior, to want that criminal behavior to be praised by men, to make their criminality and their hostility to society somehow acceptable. There is an element of idealism; I can be a criminal, and also a Robin Hood at the same time. Here again, a press which tends to focus on social origin of behavior, tends to justify behavior that is explained in lofty terms. "We kill in order to help the poor." The food distribution by the SLA in California is an example.

There are people in society or segments of it, including segments of the media, who give these criminals a cloak of respectability and even of virtue.

The other element is more philosophical and reflects the kind of nihilism and cynicism of a society which has lost its moorings. This view insists that activist young people are idealistic, reaching out for meaning which the larger society has failed to provide. Challenging the establishment is heroic and exciting. Why not harness criminal tendencies to this frustration and destroy the old order? A marriage of criminal tendencies and idealism may enable a faceless Sirhan Sirhan or an Oswald to go down in history as an inverted hero.

DR. MORF'S WORK ON FLQ

Mr. METHVIN. Mr. Chairman, if I could just add a point. I mentioned earlier a book by Dr. Morf, a report on his psychoanalytical studies of FLQ, the Canadian group, and he did find a clear pattern. I will supply to the staff a brief synopsis of this book, and citations of it also,

and there are some key quotes, extremely revealing, I think you would be interested in seeing.

Mr. HAMILTON. Fine. We will make those a part of the record, without objection.

[The following information was supplied:]

SYNOPSIS OF AND EXCERPTS FROM BOOK "TERROR IN QUEBEC"

SYNOPSIS

APRIL 24, 1972.

Subject: An important book you should read.

To: Selected friend and scholars interested in terrorism and counterinsurgency.

From: Gene Methvin.

I have just obtained a copy of *Terror in Quebec*, by Gustave Morf, published in paperback (\$2.50) by Clarke, Irwin Co., Toronto & Vancouver.

Dr. Morf is a Swiss-born psychiatrist (disciple of Jung) who practices in Montreal, Quebec. Working with prisoners in a Canadian penitentiary, particularly young men convicted as terrorists, he decided in 1967 to undertake a comprehensive study of the terrorists. He conducted hundreds of interviews, inside and outside the prison. This book is the result of three years of research. It went to press in December 1970, just as the last act of the kidnap-murder of Pierre LaPorte and release of James Cross unfolded, and hence contains only a limited account of that tragedy. So you may want to read the book in conjunction with the March 1972 Reader's Digest book feature-length account of that episode by David MacDonald, *A WIND OF MADNESS: CANADA'S TRIAL BY TERROR*.

Morf's book is extremely meticulous and objective; he presents a valuable factual picture of the origin of the Quebec terrorist movement, the individuals who formed it, their family and personal histories, and their terrorist operations. His basic thesis is that they represent an arrested adolescent pathology and an odipal father-son conflict and that this pathology is endemic in modern urban societies; his interpretation is akin to Lewis Feuer's book, *CONFLICT OF GENERATIONS*. But Morf does not go out into the psychoanalytic wild-blue. His book's chief value is its carefully factual presentation and objectivity. You get a good look at who these terrorists are, how they meet, coalesce, operate, and attract further recruits. Hence it is one of the most useful and enlightening books on the subject I have read. It should be valuable reading for any lawyer, scholar, or public official concerned with raising a reasoned defense of ordered liberty against the toddling tyrannists of the Twentieth Century.

EXCERPTS

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Who were these men? What were their alleged and their real motives? What goals did they hope to achieve? What was the outcome? The leaders—Schoeters, Villeneuve and Hudon—we will study in some depth in the following chapter, since by their actions they established certain patterns for their successors to follow. But we can make some observations about the group in general and about some of the individuals in particular.

Of the young men sentenced to prison, two came from broken homes and were not brought up by their parents. A third and a fourth had inadequate, alcoholic fathers. A fifth had lost his mother as a small child and had found it difficult to accept his stepmother. A sixth, the son of a lawyer, grew up in affluence. The other four came from good middle-class families and got along well with their parents.

As far as schooling is concerned, the picture is far from bright. One of the group had hardly any schooling and spoke such bad French that the judge found it hard to understand him. A second had dropped out of school after grade seven. A third had repeated grade ten and then left school. Two were obliged to repeat grade twelve and one, although intelligent, had failed that grade because he rejected the authority of his teachers. Only two had done grade twelve without difficulty.

The intelligence ratings of the group were as follows: below average intelligence 2; average intelligence 2; above average intelligence 6. Of the latter, four were considered to be of superior intelligence, but two of them had had considerable difficulties at school owing to lack of interest, lack of work discipline and too much self-will which made them reject their teachers and the

school system. It seems that they rejected school as violently as they later rejected the society in which they had grown up.

Two of the group were married. Both have since been divorced by their wives who kept the children.

Of the group of ten FLQ militants, five were students (four at high school or junior college, one at the university). Four were employed gainfully at the time of their arrest; one was unemployed. Of the four who were working, only one had a stable work record; the others were still trying to find their way.

On the surface the members of the group were not much different from an average sampling of young people in any Canadian metropolis. At least two had grave problems: One had left school too early in order to marry before he was 18, when he already had become a father. (He soon had another child and could not cope with the situation.) The other was handicapped by having left school in grade seven. Several were having difficulties at school and had not yet decided on a profession, but this is an almost normal phenomenon at this age. What seems less normal of course is that they had decided to fill the vacuum with a commitment to political violence.

They all had rejected their Roman Catholic faith and in their quest for a new faith had fallen for the kind of political dogmatism which is so well expressed in their tracts. Some of the group were not actually in favour of violence (especially after the first "accident"), but they condoned it.

As for the two who placed the fatal bomb which killed O'Neill (Giroux and Labonté), this is what we know about them: Giroux was 19 years old, the son of a barber-shop owner. He had repeated grade 12 and then taken a private course in photography. He had intended going to Paris in order to study cinematography but had not done so. Though his profession was listed as photographer, he had never worked gainfully at that occupation. (He did, however, carry a camera during the "raid" on the recruiting centre, posing as a journalist.) Labonté, also 19, had never seen Giroux before they placed the bomb together. He had dropped out of school after grade seven, tried to work as a garage helper, but was found incompetent. At the time of the O'Neill accident, he was working in a store. He loved adventure and spy stories and was very suggestible. He took part in this FLQ adventure for "kick" and in order to boost his ego.

A militant of the first FLQ eight years later wrote a character description of the principal members of the group. In this description Schoeters is described as a romantic-mystic who wanted to relive, in the FLQ, his exciting wartime boyhood adventures. (Another friend called him "an exalted person.") Bachand and Schneider are seen as the doctrinaires of the group and as the most fanatic. Villeneuve appears as the man who could not forgive his father for being only a worker.

The first psychiatrist to give his expert opinion on the motives of the young terrorists was André Lussier a well-known Montreal analyst. His study is all the more remarkable that he wrote it even before the identity of the militants was known. It was published in *Le Devoir* of 5 May, 1963.

Dr. Lussier defined the terrorist as someone who unconsciously apprehends failure as a person. He either cannot or will not play a positive role in society; he is somebody only as far as he is against something. He needs a glamorous revolt and a mystique which allows him to believe that his actions have greatness. The terrorist is a man who cannot wait. He is in a state of mental urgency. Having been unable to resolve his infantile and adolescent conflicts with regard to authority, he needs the illusion of power he gets from attacking the strongest authority, conceived as the strongest enemy. The terror he is able to spread makes him feel he is somebody. Dr. Lussier closed the study with the following statement: "The citizen who, secretly or not, rejoices at the present wave of violence, becomes an accomplice of terrorism."

The *Toronto Globe and Mail*, on 5 June, 1963, published an important editorial pointing out that in Algeria and Ireland similar acts of violence by a comparatively small number of activists had produced a state of chaos because of the passive complicity of numerous groups which, themselves, would never have indulged in violence.

* * * * *

The first FLQ team not only planted bombs, they held discussions. Schoeters gave glowing accounts of the Cuban and Algerian revolutions. Many of the members of the group read a great deal and it is not without interest to notice that their reading material was not confined to detective stories or terrorist pamphlets.

Here is an incomplete list of books which circulated in the group: Fanon's *The Damned of This Earth* (called the bible of the Algerian National Liberation Front), Marcuse's *Soviet Marxism*, Kafka's *The Castle*, Camus' *The Rebel*, various writings by Bertrand Russell and Toynbee, and the biographies of Lenin, Trotsky, Hitler, Goering and other revolutionaries.

Imitating the example of his older brother, Robert Hudon was also very arrogant in front of the judge. He seemed to take it as a personal affront to be treated like a common thief. Yet he and his companions had lived, and lived well, on the proceeds of their robberies. He explained that the military and electronic equipment was stolen to get the FLQ off the ground. But, this "army" had not a single soldier, no headquarters, no strategy, no uniforms. The six conspirators had lived a real life of adventure, reminiscent of that of the high sea pirates of the sixteenth and the seventeenth centuries as described in boys' books. It seems that the liberation of Quebec had only been a pretext to give free rein to those romantic criminal tendencies which may lurk in many people, and to satisfy their thirst for adventure and personal independence. The clandestine journal of the FLQ, *La Cagnée*, later made heroes of "Robert Hudon and his soldiers," but today there are not many ex-terrorists who would think that way.

THE IDEOLOGY OF QUEBEC TERRORISM

As we have seen, the waves of terrorism in Quebec from 1963 to November 1970 were strongly inspired by similar movements in other countries: the Maquis in France and Belgium, Castro's successful revolution, and the National Liberation Front of Algeria, which formed the first government when de Gaulle granted that independence in 1962. Cuba is a case by itself, since it produced two revolutionary father figures: Castro and Ché Guevara. The existence of such (almost archetypal) figures is a great asset to any revolutionary movement. By projecting their own cravings onto such figures, young revolutionaries find a new identity, security and confidence. The adventurous life story of these heroes also satisfies the romantic. Youth is attracted by the mystique of the "permanent revolution" as propagated by Castro and even more by Mao, whose "cultural revolution" put the young on a pedestal and threw the "fathers" into the dust, if not into prison. For, after all, adolescence is "permanent revolution."

For the French Canadians who for so long had suffered from an inferiority complex, revolution means the reversal of all values, and a violent overcompensation of that complex. François Gagnon once expressed it in these words: "The fear is on the other side now." Almost overnight, social inequities which had been taken for granted became social injustices. It became unbearable that Quebec workers should have the highest unemployment rate¹ and the lowest wages in all Canada. The traditional attitude of superiority assumed by the English Canadian became a scandal. The English stereotype of the French Canadian as a "hewer of wood and drawer of water" who speaks a "funny" language particularly incensed the young intellectuals who considered themselves as part of a worldwide French culture. The inroads of the Anglo-Saxons aroused the instinct of collective self-preservation of French Canada. Many pointed with horror to the state of Vermont which once had been *Verts Monts* and where the linguistic imperialism of the USA had destroyed every vestige of French culture. Even the family names were often anglicized.

No doubt the French Canadians have real grievances. They are fighting for survival. They believe that French language, culture, and mentality have a place in North America. And we believe that it is not in the interest of Canada that Quebec should lose its particular French character, or that French should become a languishing language. It is a healthy sign that the French taught in Quebec is improving, and that the two thousand anglicisms which have infested Quebec French are being rooted out.

If those real grievances of the Francophones may be at the root of such extremist movements as the FLQ, and explain why they have so many secret

¹ In actual fact, the rate is even higher in the Maritime provinces, but the Quebec workers compare their lot with that of workers in Ontario.

sympathizers, do they justify the means? Having shown one side of the coin—one the English Canadians are too apt to overlook—we must also show the other side. The trouble is that bombs, riots, anti-English slogans and insults only widen the gap between the two races. They unfortunately merely seem to confirm the already rampant prejudice that French Canadians are an unreasonable, over-emotional, over-sensitive and unruly people, given to very un-English outbursts of temperament to be borne with English calm while they last.

But there is worse. Even the FLQ is not above the basic psychological laws which rule human behavior. Whoever decides to use criminal methods to achieve political ends winds up by acquiring criminal values and criminal procedures. Moreover, one cannot long live a double life, live under a false name, dishing out lies to parents, bosses, authorities, going into hiding, without undergoing a distortion of personality. Man is by nature not only a social, but also a moral being. To preach amorality as a basic principle is to alienate oneself not only from society but also from one's brother, one's wife, one's children. This is why no real revolutionary has ever remained loyal to his wife: Stalin, so they say, did away with his first wife, Ché Guevara exchanged his wife for another when he went to Cuba, Castro has several women but no wife.

Clandestinity is a curse in itself. It gives exaggerated power to a few—a power which is bound to corrupt. In the long run, it distorts the personality by distorting the sense of responsibility and giving a wrong meaning to life—revenge. No man motivated by resentment and hate can build a new fraternal society—not even out of a sea of blood. Only those who have an answer to hate have an answer to terrorism. What we need is not more division but more understanding of how to make creative use of basic differences.

Violence only leads to more violence, revenge to counter-revenge. The vicious circle can only be broken by men who will forgive, because they know how much they need forgiveness themselves. There is no redeeming power in violence, only momentary feelings of glory at best, but there is power in loving one's brother, even if he speaks another language and is of another race.

Most of the Quebec terrorists were young people. Many of them were students who had interrupted their studies and who lived in a world of ideas rather than in reality. They had much more brain than heart, and tended to see everything in the light of their sloganized over-simplifications. Most had never worked with their hands.

All of them were extremely impatient. They all revolted against the inferiority complex which in the past had made the church-led French Canadian so submissive. The bombs were a clumsy way not only of scaring the English, but of telling the Quebecois, "You can do something about it, you can take your fate in your own hands. You have more power than you think. Some of your people are ready to go any length in order to free you from your stereotypes." This instant psychoanalysis, called *prise de conscience*, was intended to arouse in the Quebecois an awareness that he had no longer to accept things as they were, and that he should not feel guilty if he broke away from his traditional pattern of lawfulness. But the means to bring about this new awareness were both puerile and dangerous. They could even be self-defeating. As time went by, they became less puerile and more criminal. Of course, the extremism of their means corresponded to the extremism of their aims: they wanted a second Cuba, or a second Algeria. On the other hand, the bombs failed to rouse the workers who obviously preferred the daily bread and butter on the table to pie in the sky.

The convicted terrorists consider themselves as political prisoners. The term implies that they are kept in prison not in punishment for any crimes but for their political opinions. Canada, contrary to France, does not recognize such a status. The League of Human Rights in July 1964 came out strongly against the concept of "political prisoners," saying that this would invite the creation of a political justice: "Political justice means policing of ideas, crimes of opinion, liquidation of adversaries. Even after the sentencing, the status of political prisoners is inseparable from the concept of political justice." The League rejected the idea that convicted terrorists should be treated differently from other prisoners.

The concept of "political prisoners" was used widely in October 1970, when the kidnappers of James Cross and Pierre Laporte demanded the liberation of twenty-three "political prisoners." It was a propaganda success to hear even the Prime Minister of Quebec, and the news commentators speak of these "political prisoners."

In fact, the fate of a real political prisoner is often much worse than that of an ordinary prison inmate. He may never be brought to court, yet he may be kept at the pleasure of the government indefinitely—that is, as long as the government

considers him politically dangerous. Napoleon was a political prisoner until he died. One doubts whether our convicted terrorists would really want to share this fate.

The terrorists and their friends reject any psychological interpretations of their behaviour. They consider themselves perfectly normal people belonging to a political avant-garde. This is true, but with one restriction. A person in the orbit of an unconscious son-father conflict is not his own master. As C. G. Jung wrote, "It is perfectly possible, psychologically, that the unconscious or an archetype take complete possession of a man, determining his fate to the very last detail." Many of our revolutionaries no doubt fall into this pattern. In 1957 in his *Political Notebook*, a Quebec country lawyer named Nadeau, speaking of "autonomy" wrote, "With the crowd, this word has the effect of an incantation, of a master slogan, of some magic. . . . This is a phenomenon belonging to the pre-logic mentality of primitive society." Indeed, when one hears some young people use the words "independence," "liberation," "revolution," "justice" and "socialism," the words do become an incantation. They exert a kind of magic. When our revolutionaries speak before others of student power, black power, workers' power, one almost hears a priest invoking some divine power before an assembly of believers.

The normally abhorred concept of violence also has a particular attraction for our revolutionaries. Pierce Vallières wrote, "Violence attracts and fascinates the masses, as the ritual dances fascinate certain societies which are called 'primitive'." One terrorist wrote, "The Nation is the God, and violence his ritual."

Yet I must testify that up to October 1970, political assassination was never seriously contemplated by the FLQ, despite some pretty wild threats in *La Cognée*. Obviously, the group which killed Laporte got out of hand, probably under the influence of drugs and perversion (sadism). The curse of violence is that you never know where it may lead you.

When talking to our terrorists or when reading their literature, one is quick to discover that they are using a special vocabulary where the words have a meaning of their own. Thus the word "liberty" does not have the normal meaning of being allowed to open a shop or business, to reside where one wants, to travel abroad, to buy foreign currency, and to enjoy full liberty of expression within the limits of decency. All these liberties, which are the envy of other peoples, mean nothing to our extremists. They are "pseudo-liberties"—make-believes. Radio, TV and the press are seen as mere tools of oppression in the hands of the ruling classes. As to the liberty of trade, they maintain that this liberty is but the liberty of exploiting others. Economics is conceived as a great game played by big corporations on the back of the ordinary people.

In the revolutionary vocabulary of our terrorists every militant is a patriot, a soldier, a hero, even if he did nothing else but steal dynamite or rob banks. Anyone opposing him is a traitor, collaborator, if nothing worse. Words like "people," "democracy," or "peace," acquire an unfamiliar, even sinister meaning. And, as we have already pointed out, bosses and employers are invariably bad guys, while rebellious students and immature young people are easily praised for their "lucidity."

It took hundreds of years to obtain freedom of expression. It took a war to abolish slavery in the United States. Millions of people died that we might achieve religious tolerance, political tolerance, equality before the law, the basic personal liberties. Working hours which once were ten or more a day have been reduced to eight or less. The standard of living, during the last hundred years, has steadily risen. Most Quebec workers have a car, a growing number own their own house. Many have job security, social insurance, a pension plan, medicare. In the eyes of our revolutionaries, all this counts for nothing.

They call our society violent and repressive. Both terms are part of an ideology which was not created in Quebec. Indeed, the "liberation" of Quebec is conceived as a radical breakaway not only from the rest of Canada, but also from all the traditional French-Canadian values. Since Quebec is the only part of Canada where a Castro-like revolution appears feasible, the movement for political independence here serves as a spearhead for much more far-reaching goals.

The young feel that neither the provincial nor the federal government is capable of solving any major problem, such as the rapidly increasing pollution of air and water, the rising criminality, the shocking unemployment rate, the despairingly slow functioning of government administration. (It took eight years of bickering before the pay cheques of the Canadian government could be made bilingual! Without the measure of closure—"the guillotine," as it was called—Canada might still not have a flag of her own!) Canada needs far-reaching

change, but the young have the strong impression that our governments are not imaginative enough to effect it. What dominates Canada—and Quebec—they say, are group interests to which the common good is sacrificed every time. The real decisions are not made by the government, they feel. Thus we have a general malaise which favours the emergence of political prophets of every kind.

From the example of many other countries, we know only too well what will happen in Quebec should the dreams of our revolutionaries come true. The "pseudo-liberties" will be abolished—first of all, the freedom of expression. The private industries will be nationalized and serve as a guaranty for the new national currency. The house owners will pay taxes so high (with rents fixed very low) that they will find it impossible to make any repairs and finally will only be too glad to hand their property over to the State for the amount of the tax arrears. In short, the capitalists of today will become the proletarians of tomorrow.

Any revolt against the new dictatorship would be outlawed and radically repressed. The nation will have to be adored and feared. It will possess everything, sell everything, speak and act in your name without ever asking your opinion; in short, the State will be like God, all powerful, omniscient, infallible.

A double standard is established: one for the revolutionary, and another for the rest of the population and the authorities for whom the laws are still valid. Unfortunately this double standard is already in force. During any labour conflict the striking workers feel justified in committing criminal acts against their employer, using even bombs, and it is taken for granted that there must be no reprisal. Such a situation is eroding the law itself. Other contestants will demand the same privileges. If Canadian unions would accept responsibility for the damages caused by their members (as they do in Germany), the respect for the law would soon be re-established.

At all times, youth has been willing and even eager to invest its enthusiasm in a valid cause. In Germany, Hitler had exploited this idealism in the interest of an ideology which seemed heroic and patriotic, and which promised a new society and a new Germany. In China, Mao enlisted the same idealism for his cultural revolution. In Quebec, a number of young flock to Vallières and Gagnon.

But the bourgeois leaders had also exploited the idealism of youth. The first world war (1914-18) was labelled "the war to end all wars"—an illusion which made millions of young soldiers march willingly to their death. After the war, a most moral principle was adopted: the self-determination of peoples. The principle changed the map of Europe for just about twenty years. Then it was overthrown by Hitler and Stalin. Hitler was vanquished, but in order to please Stalin, the principle for which millions had died in 1914-18 was never restored. World War II was fought under the slogan, "Make the world safe for democracy." It actually made the world safe for the Communist conquests. No wonder youth has become cynical.

The philosophy of the FLQ is the philosophy of class war. There is war between the workers and the employers, and there is war between the "lucid" French Canadians and the English-speaking people. There is war between Quebec and Ottawa and between the young and the authorities.

This philosophy has a very long history. It all started with the French writer Jean Jacques Rousseau who, in 1762, published a treatise entitled *Emile*. The book began with the explosive sentence: "Everything is good as it comes out of the hands of the Author of All Things; everything deteriorates in the hands of men." This was a devastating attack on society—the aristocratic society of his time, with the king on top—who were accused of nothing less than corrupting the young, the innocent, the good. And this blow came at a time when everybody felt that a big change was overdue—a "deluge" which the aristocrats hoped would only materialize after their deaths. Rousseau's *Emile*, under the cover of an educational treatise, was in fact a political manifesto which was to do a great deal to prepare the ground for the French Revolution.

Rousseau did not believe in Christianity which makes the individual responsible for his actions. Rousseau exonerates the individual and puts all the blame on the system under which the individual grows up. Man is born in a state of moral innocence and perfection, but then becomes the product of a debased environment.

The same basic ideas appear in the teaching of Karl Marx. Here, society is equated with the ruling bourgeois society, for aristocracy has lost its lending role. Man is good, but degenerates at the hands of the capitalist system. The worker is shaped by the machine he is operating, and not only the social condi-

tions, but even the human sciences, art, and so on, are but the reflection of the system of production. The whole of Marxist teaching is based on the idea that man is basically good but that the system makes him bad. Overthrow the system and the natural goodness of man will assert itself. Rousseau's Author of All Things is replaced by History, conceived as a rational process marching towards a rational goal, and by Science guaranteeing eternal progress. The Christian concept of sinfulness and individual responsibility is rejected. (Man can do little to change the course of History.) The awareness of one's sinfulness is replaced by class consciousness. As to the fall of the capitalist system, it is seen as an apocalyptic judgment, after which a new reign will be established, a reign of such justice and harmony that governments will no longer be necessary to tell people what to do. An entirely new man will emerge.

In the Marxist system, the economic conditions govern the thinking of man. Marx believes in the primacy of matter over the spirit and rejects the spiritualistic view according to which man is free to choose between right and wrong under any economic system. Such an approach for him is only "opium for the people."

Freud's contribution is also materialistic, contrary to that of C. G. Jung. He lived at a time and in a country where adolescent acting-up was tolerated with an amused smile, but where adolescents had no real influence. Only once, in *Totem and Taboo*, did Freud deal with an adolescent culture. He explains that in primitive tribes the sons finally banded together and killed all the fathers because the fathers had monopolized the women. It is very doubtful whether such collective incidents ever happened, but this is not the point. What Freud really describes is an archetype. His legend is but a symbol of the archetypal son-father conflict. The father has all the power, he disposes of all the knowledge, all experience. If the father does not share this with his son, the latter may try to make him powerless, in order to take over everything. It is the archetype which is at work behind Quebec terrorism, behind student revolts, behind most contestations, behind the so-called generation gap. The archetypal pattern is always the same: a son who, rightly or wrongly, feels disinherited, bands together with other sons in order to strip the "fathers" of their power and their riches, if not their lives.

In this archetype, anyone who administers, provides work, exercises authority, wields economic power, is cast in the role of "father." Anyone who receives orders, has to obey, to submit, is a wage-earner, is seen as a disinherited son. The pattern applies also to the relationship between black and white in the U.S.A., between French and English in Canada, between the natives and their foreign masters.

A revolutionary necessarily falls into the "killing the father" pattern. That the FLQ is no exception is borne out by the murder of Pierre Laporte, a model of a father and statesman, a man who spoke perfect French, a most typical French Canadian. To make such a man powerless, to make him die slowly must have given a lot of perverse satisfaction to his executors who finally strangled him with the symbol of his religious faith—the chain with the crucifix he wore around his neck.

The power of Marxism does not rest on its economic theories, some of which are no longer valid. The masses will never march for a theory anyhow. The real power of Marxism rests on the power of the "disinherited son" archetype. The genius of Karl Marx consisted in striking that inexhaustible gold mine which he called class war, and which Freud would rediscover as the Oedipus and the Totem and Taboo complexes. As the violent destruction of the atom structure liberates atomic power, division is behind the secret of "labour power," "student power." For many, the independence of Quebec means doing away with the Ottawa "fathers." Divisive ideas, hate, greed, jealousy generate enormous energy, mostly destructive. Once the goal of "taking over" or "overthrowing" is attained, this power is bound to vanish, as if by magic. This is why, after every revolution, it is so essential to continue to have an internal or external enemy to fight.

We can now understand the role of Herbert Marcuse in the context of modern contestation. This writer has modernized Marx and Freud, addresses himself to youth and especially the students and young intellectuals rather than to the workers. The gold mine (the source of power) is the same as in Marx: irreducible opposition against the "fathers" and their achievements.

Even Freud, the "father" of psychoanalysis, does not escape unscathed. Marcuse corrects his teaching on some important points. Freud had taught that "Kultur" (the German word means culture as well as civilization) was based on instinctual sacrifices. It was only by relinquishing the childish trait of de-

manding immediate satisfaction of instinctual drives that humanity achieved the more lasting cultural satisfactions. The whole of civilization, including our works of art, was based on the "sublimation" of our instincts. The energies which were denied satisfaction on the immediate, primitive level, had found a higher expression in the progress of humanity on the social, technical and artistic level.

Marcuse finds this view too austere. In our affluent society, he says, such sacrifices of instinctual drives are no longer necessary, since civilization is building up.

Marcuse's correction of Freud is, of course, in line with the wishes of modern youth. In Quebec, the same idea has been expressed by Jean-Claude Dussault in his book *Pour une civilisation du plaisir* (1968), and by C. Lagadec in the psychoanalytical review *Interpretation*. Lagadec wrote (1969, vol. 1-2): "If we only want it, the world would be but marvels. This cannot be achieved by liberating man through another form of slavery, as proposed by Marx and Freud—and all the priests—but by liberating many from slavery . . . from the dictatorship of reason, of memory, of ideals, of bureaucracy, of work, and of sacrifice." Truly, this is good news for the young who would like to replace hard work by *la dolce vita*!

This mentality, which considers pleasure as the highest value, is the natural outcome of an affluent society where people need less and less time for work and have more and more time to play. But it is doubtful whether any society or any civilization run by playboys can survive. Ancient Rome could not.

Marcuse calls our society "over-repressive" which means that there is still too much "obligation" and not enough "liberty." A society which imposes so many obligations is "violent." Therefore violence is justified in the fight against it. (As we have seen, this is exactly how many Quebec terrorists justified their actions.)

Marcuse does not recognize democracy as we know it. He thinks little of the great freedom our society gives to the individual. He says that the will of the majority is always bad and adds, "To work according to the rules and methods of democratic legality means to capitulate before the existing power structure." Since our democracies are based on the general will of an "administered and oppressed" population, any real opposition will have to be illegal.

The more Marcuse debunks the society of the "fathers," the more he flatters and glamorizes youth to which he assigns the historical task of overthrowing the present system by force. He appeals to the impatience, the restlessness and the aggressiveness of the young, and at the same time justifies their feelings of frustration and of self-pity. He projects before them the mirage of a power such as youth has never known before.

Like all revolutionaries, Marcuse is very explicit in pointing out what must disappear, but very vague when asked what to put in its place. In his latest book, *Liberation*, he at long last gives some hints as to the new society. He begins by warning the reader that it would be "absurd" to give a description of the specific institutions and workings of a new society, for "it is impossible to determine them" beforehand. The institutions will be elaborated according to an experimental method based on trial and error! This clearly means that whole nations will serve as guinea pigs to a bunch of young inexperienced politicians. Only two things can be taken for granted: the nationalization of industry and commerce and the planning of production and distribution of goods. This, Marcuse, assures us, will "abolish the misery."

Marcuse completely overlooks the contradictions inherent in his system. The nationalization of the whole apparatus of production and distribution and of the exchanges with other countries would not only require an immense bureaucracy, but could only be carried out under a dictatorship. Yet Marcuse assures us that a democratic system is better than even the most enlightened of dictatorships. The free democracy he has in mind would even be a parliamentary one. The people would elect their representatives in all freedom, but they would also have the power to revoke them at any time, should they not give satisfaction. Thus, the power would really remain with the people. In order to be able to make the right decisions, the citizens would undergo a civic training and would make use of information media free of any censorship. Thus, the same citizen who might not have the right to sell a pound of apples to his neighbour, would be able to elect a parliament which might abolish nationalization! Surely Marcuse must know that nowhere in the world do we have a socialist economy which representatives of the people could question. Nor do we have a socialist economy anywhere without strict censorship of the mass media.

In his well-known book, *The One-dimensional Man*, Marcuse says that our industrialized "over-repressive" Western society creates a special type of man. Technology is seen as a form of dictatorship, since it makes man more and more dependent: "Contemporary industrial society tends to be totalitarian." Our (Americanized) society imposes a "one-dimensional pattern of thought and behaviour" which actually alienates the individual.

Marcuse deplores the loss of what he calls the "second dimension." According to him, culture used to be this other dimension, culture as opposed to social reality. Culture represented the ideals of the time. It was ahead of reality. It was not the expression of a society, but an avant-garde product. This sort of culture has gone, he says.

There is undoubtedly a lot of truth in what Marcuse writes about the lost second dimension, but many believe that it is actually religion which has always been and always will be the real second dimension, independent of the prevailing economic, political and social conditions. The Christian faith is as relevant today as it was in a feudal, pre-industrial age when economy was based on the institution of slavery. As long as man is inspired by a living relationship with God, he need not be one-dimensional. Man is neither a perfected ape nor are his convictions the mechanical product of the machines which surround him. Without doubt, one-dimensional man exists. The fanatics, the irresponsible, the playboys, the mass men have lost their depth and their conscience. They do not live; they are *being* lived and manipulated by some archetype, some passion, some complex, some mass ideal, if not by mass hysteria. Man is a free being whose decisions are only his own. Jesus Christ was free even on the cross and his apostle Paul was free in prison, despite his chains. If modern man lacks the dimension of depth, he should not blame the machine, nor the social apparatus, but the fact that he considers individual responsibility as a burden instead of a mark of nobility.

In 1968, rioting students in Rome brandished placards which said, "Marx is God, Marcuse is his prophet, and Mao is his sword." The Quebec revolutionaries would not say this. Their god is the nation, their prophets are Vallières, Gagnon, Castro, their sword were the bombs. They also disagree with Marcuse on one point: they still consider the workers as the legitimate bearers of their revolution, together with the young intellectuals. Otherwise, the approach is the same: primary of matter over the spirit, of the stomach over the soul, of the machine over the moral values. As to the revolutionary sloganized vocabulary, this most typical expression of one-dimensionality, our Quebec revolutionaries handle it with the same virtuosity as their "brothers" elsewhere.

Two facts seem to characterize our time: (1) The small child has more difficulty now, in adjusting to reality than in the past. Too many remain "maladjusted" throughout their childhood. This is probably due to the over-stimulation provided by modern life, and to the moral confusion and permissiveness of the parents. Such children no longer know what is right or wrong. (2) Adolescence, too, has become a problem. A growing number of adolescents refuse to grow up, to take responsibility. They remain eternal adolescents. Many are eternal students. They may reach the age of 30 or 40 without ever having held a responsible job.

The most dangerous person is one who keeps the immaturity, the outlook, the rebellion, and the relative irresponsibility of an adolescent while disposing of all the powers of an adult. Hitler was so dangerous because he combined an immaturity, even childish mind with the full powers of a dictator.

As far as our Quebec terrorists are concerned, they belong to a very different brand than their South American and Algerian models. They are not the children of misery and abject poverty. Poverty in itself does not generate crime or violence, nor does it lead to alienation, at least not in a democratic society. Our terrorists are much rather the off-springs of an affluent, self-indulgent and permissive society. They know what they want and they want it quick—or else! They are blackmailing a society where blackmail in marriage, industrial relations, and politics, has become commonplace and where almost everyone demands much more than he is ready to give.

Mr. METHVIN. Thank you.

Mr. HAMILTON. Do you have further questions, Mr. Fountain?

Mr. FOUNTAIN. No questions, Mr. Chairman.

Mr. HAMILTON. Gentlemen, you have given us a lot of insight today in the problem of terrorism and some constructive suggestions. Thank you.

[Whereupon, at 4:10 p.m., the subcommittee adjourned.]

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INTERNATIONAL TERRORISM

WEDNESDAY, JUNE 19, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON THE NEAR EAST AND SOUTH ASIA,
Washington, D.C.

The subcommittee met at 2:16 p.m. in room H-236, the Capitol, Hon. Lee H. Hamilton (chairman) presiding.

Mr. HAMILTON. The meeting of the subcommittee will come to order.

The Subcommittee on the Near East and South Asia resumes its hearings on terrorism and counter-terrorism with an examination of international efforts to deal with the problem.

We are pleased to have with us two scholars who have followed closely attempts by international organizations and other international forums to treat the sources of terrorism and to curb it. Mr. Bert Lockwood is a fellow of the Center for International Studies at New York University, and Dr. Richard Falk is a professor at Princeton University.

Mr. Lockwood, you have a prepared statement, and you may proceed. Your statement and also the article that accompanied it will be printed in the record.

STATEMENT OF BERT B. LOCKWOOD, JR., SENIOR FELLOW, CENTER FOR INTERNATIONAL STUDIES, NEW YORK UNIVERSITY

Mr. Lockwood. Thank you very much, Mr. Chairman.

I am deeply grateful for and honored by the invitation to address this Subcommittee on the Near East and South Asia on the subject of international terrorism and the efforts within the international community which are concerned with the multiple aspects of the overall problem of terrorism. The privilege is notably enhanced by my being able to share the honor with my friend Prof. Richard Falk, for whom I have the greatest respect.

The article, which I authored with Prof. Thomas Franck, entitled "Preliminary Thoughts Toward an International Convention on Terrorism," is a useful discussion of the legal and political issues which arose during the deliberations of the Ad Hoc Committee on Terrorism established by the General Assembly in late 1972.

I will principally speak on the more general question of international terrorism but I will be happy to answer any questions you may have respecting either the article or my prepared statement.

HUMAN RIGHTS HEARINGS

I would like to take this opportunity to praise the recent hearings held by the Subcommittee on International Organizations and Movements concerning the International Protection of Human Rights. They constitute an invaluable contribution to the literature in this field, and as I hope to show today, are inextricably connected with the issue which brings us here today; namely, international terrorism.

If the United States is truly concerned about combating international terrorism, then I recommend—if I may borrow the jargon in vogue in this administration—that in addition to its developing a defensive strategy replete with security measures, that it take to the offense. What would an offensive strategy look like?

PESSIMISTIC VIEW

In speaking with my colleagues on the subject of international terrorism, they uniformly adhere to a pessimistic outlook on the prospects of an international convention on terrorism in light of the liability of the United Nations Ad Hoc Committee on Terrorism to reach recommendations for the General Assembly. While it is likely that the United States and Western European countries could exert enough pressure on the General Committee of the United Nations—the body charged with setting the agenda for the General Assembly—to have the topic discussed at the next session of the General Assembly, the prospects are not significantly brighter than the General Assembly would overcome the difficulties experienced by the ad hoc committee.

What I urge is for the United States to tackle the major problem which vexed the earlier deliberations; namely, whether state terrorism, as well as individual terrorism, should be included in such an instrument. As I understand the U.S. position, she rejected the invitation to include governmental acts within the category of terrorism, not because state acts, however callous, are sacrosanct; but for exactly the opposite reason: that adequate international law already restrains state violence. Laws—albeit insufficiently enforced—relating to aggression, genocide, crimes against humanity, reprisals, as well as General Assembly resolutions, and various human rights conventions dealing with such concerns as economic, social, civil, and political rights plus racial discrimination, slavery, and refugees all speak to the issue of state behavior and seek to regulate the state's proclivity to violence. Violations of these laws restraining state violence against individuals may well form the body of a law against state terrorism; that is, employing violence for political reasons.

STATE TERRORISM

It should be noted in this context that no instrument exists dealing specifically with state terrorism and, therefore, the exact elements of a definition are not certain. While I would not suggest that arriving at an agreed definition would be an easy task, the above-mentioned existing laws which restrain state violence against individuals—their own nationals as well as others—would serve as a core of a definition. In fact, it may be possible to achieve a convention on individual terrorism without expanding that instrument to include state terrorism. How-

ever, to do that would require a concerted effort on the part of those states most interested in the question of individual terrorism to see that the existing laws that deal with state terrorism are brought to bear on those states which are flagrantly violating the individual rights embodied in the various human rights conventions.

The United States, who is the country most interested in the question of individual terrorism, should take the lead in this effort. The United States has shown a notorious lack of initiative in this area. International human rights have not been a cornerstone of our foreign policy. To those of us working in the international human rights area this is a tragedy, not because the record of the United States is far below that of other nations in meeting international human rights standards within our own country, but precisely because we are the oldest continuous democracy and because our loftiest ideals are so firmly rooted in the rights of individuals, we should be the most important advocate in the international community for these concerns. In the initial postwar period we assumed that responsibility. Sadly, tragically for the international community, we relinquished that responsibility.

U.S. LEADERSHIP NEEDED

Now it strikes me that the time is truly propitious for us to rededicate ourselves to a leadership role in the international human rights arena. The Watergate ordeal has awakened us to the threat of individual freedoms of unbridled governmental power. We have experienced the attempt to stifle political dissent through intimidation tactics such as tax audits, trials brought for political reasons alone, wiretapping and surveillance, and so on. Foreign and domestic policies are not unrelated. The evident lack of concern for individual rights domestically by this administration has certainly translated itself into its foreign policy as well.

Parenthetically, I should note that perhaps the outrage experienced by Secretary of State Kissinger in Austria over the questioning of his veracity, and what he perceived to be a consequent erosion of his moral authority, will enable him to better understand the outrage many of us in the international human rights sphere perceive to be an erosion of our country's moral authority in this area. What better could serve the celebration of our Bicentennial than a rededication to human rights at home and abroad?

ATTACKING STATE AND INDIVIDUAL TERROR

This rededication would serve as the basis of an offensive strategy against terrorism, state and individual. If the United States is seen to be evenhanded in our fight against the obnoxious recourse to violence for political ends, then many nations would be willing to join in this effort. That would be a striking contrast to the fate of our previous effort to sponsor a convention against individual terrorism; for as soon as it was seen as a U.S. proposal its fate was sealed, irrespective of its merits standing alone.

Now I would like to describe the outlines of this offensive strategy. There is no avoiding the observation that states are divided upon a number of issues in the international human rights sphere. This division is due in large part because those issues often involve restraining a

state's prerogatives against its own nationals, and many states jealously guard those prerogatives claiming they are domestic matters. Nevertheless, the international community has made long strides in its effort to raise basic human rights to a level of international concern. The United States then should seek out areas where there seems to be a wide consensus within the United Nations and to re-examine our own policies regarding those areas. Secondly, we should also make a concerted effort against state terrorism on a bilateral level with those countries who are flagrantly engaged in such practices and over whom we have some degree of influence.

RATIFYING HUMAN RIGHTS CONVENTIONS

I would recommend we take the following steps. As you may know, our record of ratifying international human rights conventions is egregious. Clearly, we cannot begin an international effort against violations of these instruments unless we accept the responsibilities enumerated in those instruments. It is simply anachronistic that we are no party to those instruments.

Within the United Nations there is a wide consensus on an issue which is the essence of our Bicentennial—namely, self-determination. The focus of concern within the United Nations has been southern Africa. Inherent in the U.N. concern is another issue which is especially relevant to us because of our history, and that is racial discrimination. We must re-examine our foreign policy in this area. The House of Representatives can begin immediately by taking us out of the category of being an international outlaw by our flagrant violation of the economic sanctions against Southern Rhodesia: You must with celerity repeal the so-called Byrd amendment.

The list of states who are systematically employing violence against their own citizens for political ends and over whom we have some degree of influence is extensive. We should begin immediately to employ our influence toward a cessation of such practices. I urge immediate reconsideration of our policies toward such states as Chile, Brazil, South Korea, Greece, and South Vietnam.

INDIVIDUAL TERROR

I would now like to turn my attention specifically to the question of individual terrorism. Since the publication of my article in the *American Journal of International Law*, which has been included in the record, the General Assembly has passed a resolution urging states to ratify the Convention on the Protection and Inviolability of Diplomatic Agents. Protecting diplomats through an international convention passed upon by diplomats should not be a difficult task one would think.

However, that impression was not borne out by experience. The draft convention of the International Law Commission was almost successfully amended in its final stages of consideration to include a self-determination exception. Such an amendment would have set the law back rather than forward.

Additionally, for a time it was somewhat embarrassing for the United States because we were the only country to ratify. Recently, however, movement has begun with the ratifications of all the Scan-

dinavian countries and East Germany. It remains to be seen whether the African countries will ratify the convention but the recent signatures should make it a little less politically costly for them to do so. The United States should continue its efforts to get countries to ratify this convention.

MIDEAST TERRORISM UNIQUE

Terrorism generated by the conflict in the Middle East has been a particularly ugly phenomenon. This has largely been because many of the victims of terrorist attacks have been innocent civilians and have taken place in countries not directly involved in a particular conflict. By innocent victims I basically mean people who have no power to effectuate a change in the policies that are the source of the grievances seeking to be redressed. Unless one accepts the validity of the often quoted remark of Dr. George Habash, leader of one of the Palestinian organizations, to the effect that the world community created the problems of Palestine; therefore, no one in the world is innocent, then one is forced to make distinctions as to the legitimacy of targets of terrorist violence.

I would like to explore a few ways in which terrorist violence in the Middle East may be reduced. An international convention at this time is not feasible. I believe with the rapidly unfolding events in the Middle East we are at the threshold of seeing either a significant escalation of the violence or a significant de-escalation of the violence.

DIRECTING PALESTINIAN EFFORTS

Guerrilla leaders everywhere must ask themselves the question of whether terrorism in the short and long runs does them more harm than good in turning a population against their respective causes. Terrorism as a tactic must constantly be evaluated. There is no denying that in the Middle East had the Palestinians not resorted to the terrorist tactics of the past several years, their concerns would not be receiving the prominence that they now are in the Middle East discussions. But terrorism is a dangerous tactic to continue employing if the Palestinians hope to promote themselves as responsible leaders. The newspaper accounts seem to suggest that there is an awareness within the Palestinian organization that they must allow the Geneva talks a chance to resolve the politically difficult questions of the Middle East.

If the Palestinians are faced with what they perceive to be a selling out of their cause by the Arab governments, then an escalation of terrorist acts will take place. However, if there seems to be a willingness to compromise on the part of Israel, Syria, Egypt, and Jordan, and the Palestinians still persist in acts of terrorism, then they risk losing the support, tacit and explicit, of the Arab governments. The reported secret agreement of Syria to Secretary Kissinger to restrain further acts of terrorism emanating from Syrian soil is illustrative of that risk.

UNITED STATES SHOULD TAKE LEAD

The United States should make every effort to secure a place for the Palestinians at the peace talks. They must be given a stake in any peace in the region; otherwise, there will be no incentive for them to

moderate their tactics of violence. It is as well in the long-range interest of the Israelis to achieve a peace settlement that encompasses a satisfactory resolution of the Palestinian question.

If the Palestinians are given a territory over which to rule, then the restraints against their resorting to acts of violence, especially in third countries and against third-country nationals, will be very strong. The United States should make the same concerted effort to promote the stature of moderate Palestinian leaders as it is presently pursuing toward the Arab governments.

I would be happy to answer any questions, Mr. Chairman.
[The article submitted by Mr. Lockwood follows:]

PRELIMINARY THOUGHTS TOWARDS AN INTERNATIONAL CONVENTION ON TERRORISM

By Thomas M. Franck * and Bert B. Lockwood, Jr. **

I

BACKGROUND

The first concerted efforts at international control of terrorism were engendered by the increase in terrorist activity following World War I. An early manifestation of this concern was a series of meetings held under the auspices of the International Conference for the Unification of Penal Law in the late twenties and early thirties. These meetings, attended by delegations¹ representing states and both intergovernmental and private international organizations, served to focus attention on the subject. As in earlier years, some extradition treaties were revised to exclude certain terrorist acts from the category of "political offenses," thereby making them extraditable.²

The assassination at Marseilles on October 9, 1934, of King Alexander of Yugoslavia and Mr. Louis Barthou, Foreign Minister of the French Republic, led to a request to the Council of the League of Nations for an enquiry into the circumstances.³ The Council passed a resolution stating "that the rules of international law concerning the repression of terrorist activity are not at present sufficiently precise to guarantee efficiently international co-operation in this matter," and decided to establish "a Committee of experts to study this question with a view to drawing up a preliminary draft of an international convention to assure the repression of conspiracies or crimes committed with a political and terrorist purpose."⁴

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¹ Measures To Prevent International Terrorism Which Endangers Or Takes Innocent Human Lives Or Jeopardizes Fundamental Freedoms, And Study Of The Underlying Causes Of Those Forms Of Terrorism And Acts Of Violence Which Lie In Misery, Frustration, Grievances And Despair And Which Cause Some People To Sacrifice Human Lives, Including Their Own, In An Attempt To Effect Radical Changes" (Study prepared by the Secretariat for the Sixth Committee), UN Doc. A/C.6/418, at 10 (1972). First, Warsaw, Nov. 1-5, 1927; Second, Rome, May 21-25, 1928; Third, Brussels, June 26-30, 1930; Fourth, Paris, Dec. 27-31, 1931; Fifth, Madrid, Oct. 14-20, 1934; Sixth, Copenhagen, Aug. 31-Sept. 3, 1935. The specific types of revisions are discussed in the text at notes 79-81 *infra*.

² A concise procedural history of the steps leading to the 1937 Convention on Terrorism are set out in the opening speech of the President of the Conference which drew the final draft. "Proceedings of the International Conference on the Repression of Terrorism," League of Nations Doc. C.94.M.47.1938.V(1938.V.3), at 49-50.

³ *Id.* Annex I at 183. The Committee was composed of experts appointed by the following governments: Belgium, United Kingdom, Chile, France, Hungary, Italy, Poland, Romania, Spain, Switzerland, and the USSR. *Id.*, at 49.

The culmination of this interest of the League was the Convention of 1937 for the Prevention and Punishment of Terrorism.⁴ Largely because of the approach of war, the Convention never entered into force; indeed, it received only one ratification.⁵ It has also been suggested that a number of states were reluctant to ratify because of the breadth of the definition of terrorism.⁶ The United Kingdom declined "due to an anticipation of the difficulty of framing the relevant domestic legislation."⁷ Today, this treaty is not listed among those for which the League was a depositary and with respect to which the United Nations has taken any responsibility.⁸ It may, therefore, be considered a dead letter. Nor, with few exceptions, is it mentioned in the replies of states to the Secretary-General in the most recent consideration of the problem.⁹

In the last decade the rash of airline hijackings resulted in the conclusion of three conventions which touch upon this aspect of terrorism: the Tokyo Convention of 1963¹⁰; the Hague Convention of 1970¹¹; and the Montreal Convention of 1971.¹² However, recent efforts within the International Civil Aviation Organization in August and September 1973 to strengthen measures against hijackers and nations tolerating them ended

⁴ *Supra* note 2, Appendix I, at 196. The text of the 1937 Convention is also set out in the UN Secretariat Study *supra* note 1, Annex I, at 1.

⁵ India ratified the Convention on Jan. 1, 1941. The Convention was signed, however, by the following states: Albania, Argentine Republic, Belgium, India, Bulgaria, Cuba, Dominican Republic, Egypt, Ecuador, Spain, Estonia, France, Greece, Haiti, Monaco, Norway, Netherlands, Peru, Romania, Czechoslovakia, Turkey, Union of Soviet Socialist Republics, Venezuela, and Yugoslavia.

⁶ Dugard, *Toward the Definition of International Terrorism*, PROC. AMER. SOC. INT. LAW, 67 AJIL 94 (No. 5) (1973).

⁷ 29 BARR. Y.B. INT. L. 215 (1938).

British criminal law differs in many ways from continental codes, and it would not be easy to give simple and accurate effect to obligations making penal incitement to the commission of terrorists acts abroad and instituting certain new offenses as to explosives.

The separate action taken by India in relation to the Convention is worthy of remark. It is believed that this is the first occasion on which India has signed at Geneva a multilateral diplomatic convention to which no other member of the British Commonwealth is becoming a party. India has her own special terrorist problem; it was thus natural that her attitude should not be the same as that of the other members of the British Commonwealth. Her separate membership of the League enabled her to give appropriate effect to her own policy. From the Indian point of view it is to be observed with regret that the French signature of the Convention was expressly declared to have no effect as to French colonial possessions, and in particular as to Pondicherry and Chandernagore. *Id.*, at 215-16. See also statement by the British delegate to the 1937 Conference, *supra* note 2, at 52.

⁸ UN Doc. A/C.6/418, at 40 (1972).

⁹ For an overall view see the analytical study prepared by the Secretary-General on the "Observations of States Submitted in Accordance with General Assembly Resolution 3034 (XXVII)," UN Doc. A/AC.160/2 (1973).

¹⁰ Convention on Offenses and Certain Other Acts Committed on Board Aircraft, Sept. 14, 1963, [1969] 3 UST 2941, TIAS No. 6768; 58 AJIL 566 (1964).

¹¹ Convention for the Suppression of Unlawful Seizure of Aircraft, Dec. 16, 1970, [1971] 22 UST 1641, TIAS No. 7192; 65 AJIL 440 (1971).

¹² Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, Sept. 23, 1971, TIAS No. 7570; 66 AJIL 455 (1972); 10 ILM 1151 (1971).

in failure.¹³ The Organization of American States concluded a convention designed to combat the kidnapping of diplomats in 1971.¹⁴ Although this convention was prepared by a regional organization, it was open to participation by states outside of the region. Along similar lines, the International Law Commission has prepared Draft Articles on the Question of the Protection and Inviolability of Diplomatic Agents and Other Persons Entitled to Special Protection under International Law.¹⁵

On September 8, 1972, the Secretary-General requested the inclusion on the agenda of the twenty-seventh session of the UN General Assembly of an item entitled "Measures to prevent terrorist and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms."¹⁶ The General Committee recommended that the item be included on the agenda and allocated to the Sixth Committee.¹⁷ This initiative by the Secretary-General gave rise to a good deal of dispute, but the General Assembly decided on September 23, 1972 to include the item in an amended form on the agenda and to allocate it to the Sixth Committee. The amended title included a proviso relating to a study of the underlying causes of terrorism:

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.¹⁸

On December 18, 1972, the General Assembly on the recommendation of the Sixth Committee¹⁹ decided to establish an *Ad Hoc* Committee on Terrorism, composed of thirty-five members.²⁰ The Committee met from

¹³ For twenty-five days, the 101 members of the International Civil Aviation Organization met in two sessions. One was an extraordinary assembly to update the thirty-year old constitution for the agency; the other was a diplomatic conference on new measures to strengthen its agreements. A number of proposals calling for harsh measures against hijackers and nations that failed to take effective action against hijackers were voted down. The Arab-Israeli dispute was in large part responsible. Even a mild U.S. backed Soviet proposal giving preference to extradition of hijackers over their prosecution in the country in which they land was rejected. The Arab states voted against the Soviet proposal, and it failed to get the required two-thirds majority. The proposal would have been binding only on states signing it, rather than on all the members of the organization. *Toronto Globe & Mail*, Sept. 22, 1973, at 11. See also *Washington Post*, Sept. 22, 1973, §A at 18.

¹⁴ OAS Off. Records/Ser. G, CP/Doc. 54/70 Rev. I (1970); 65 AJIL 898 (1971). For a discussion of the Convention see Comment, *The Inter-American Convention on the Kidnapping of Diplomats*, 10 COL. J. TRANSNAT'L L. 392 (1971). See also note, *Terrorist Kidnapping of Diplomatic Personnel*, 5 CORNELL INT. L. J. 189 (1972).

¹⁵ 27 UN GAOR SUPP. 10, at 94, UN Doc. A/8710/Rev.1 (1972).

¹⁶ UN Doc. A/8791 (1972).

¹⁷ UN Doc. A/8800/Rev.1 (1972).

¹⁸ UN Doc. A/C.6/418, at 5 (1972).

¹⁹ UN Doc. A/8969 (1972).

²⁰ G. A. Res. 3034, 27 UN GAOR SUPP., para. 9 (1972). The thirty-five members of the Committee include: Algeria, Austria, Barbados, Canada, Congo, Czechoslovakia, Democratic Yemen, France, Greece, Guinea, Haiti, Hungary, India, Iran, Italy, Japan, Mauritania, Nicaragua, Nigeria, Panama, Sweden, Syrian Arab Republic, Tunisia, Tur-

July 16 through August 10, 1973. Although geographic and political balance was, as usual, a key consideration in forming the Committee, one of the Permanent Members of the Security Council, China, refused to serve; it did send an observer to the proceedings however.

After an inconclusive general debate, the *Ad Hoc* Committee had only eight days left to attempt, through three subcommittees, to tackle the problems of defining international terrorism, to examine its causes, and to consider remedies. From the beginning, the members agreed to operate not by vote but by consensus.²¹ This procedure appropriately reflects both the need for unanimity if an agreement is to be of any real use in solving the problem of terrorism and the extreme difficulty of getting any significant agreement at all.

The following article will deal with the issues facing the General Assembly, as a result of the failure of the *Ad Hoc* Committee of Thirty-Five to arrive at agreed recommendations. The issues have been divided into two categories: Definition or Scope and Remedies. However, one of the foremost political hurdles faced by the *Ad Hoc* Committee was the relationship between its mandate to study the *causes* of terrorism and its objective of preparing an instrument for the *prevention* of international terrorism. It failed to overcome that obstacle. A serious study of the causes of terrorism is a long-term project; were the United Nations General Assembly to decide that it could not proceed to the preparation of the draft instrument before a study of the causes is completed, then any effective efforts toward combating this problem on an international legal plane are a long way off.

When viewing the overall problem, the relationship of the study of causes to the problem of terrorism should be kept in mind. More specifically framed, are the causes to be regarded as mitigating or vitiating factors? If they are to be regarded as mitigating, then they are properly placed in the category of remedies; if vitiating, then they relate to the definition of terrorism. This difference is fundamental. If certain kinds of acts are to be outlawed, should the prohibition apply equally to all terrorist movements? Or should certain movements, because of the justice of their cause, be exempt?

II

DEFINITION OR SCOPE

The definition of terrorism involves at least five related elements of definition:

(1) *Public or Private Actors?* Is the definition of "terrorist" limited to individuals and groups of private actors, or can it also embrace gov-

key, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, and Zambia. Panama has been designated permanent Chairman.

²¹ Draft Report of the *Ad Hoc* Committee on International Terrorism, UN Doc. A/AC.160/L.3, at 4 (1973).

ernments? Initially, the concept covered governmental action. The term "terrorism" first came into use during the "Reign of Terror" in France during the Revolution; it was applied to the intimidating practices of the government in power from 1789 to 1794.²² As pointed out in the Study prepared by the Secretariat for the Sixth Committee, the above meaning has undergone major evolution so that "terrorism" "now seems to be mainly applied to actions by individuals, or groups of individuals."²³

In the preliminary observations submitted to the UN *Ad Hoc* Committee of Thirty-Five, most states confirmed this evolutionary alteration of meaning, addressing their comments exclusively to terrorism on the part of individuals.²⁴ However, certain Arab and non-aligned states emphatically stated that any disinterested consideration by the United Nations of the subject of terrorism must begin with state terrorism, that being "the most dangerous brand of violence, the most often practised at the most comprehensive scale."²⁵ By the time the *Ad Hoc* Committee met, it became clear that a majority of states wanted to couple state acts with those of individuals.

Indeed, the Syrian position in the preliminary observations was that state terror is the principal problem and that individual terrorism is of international concern *only* when it is employed solely for personal gain or caprice as distinguished from acts committed in furtherance of a political cause, especially against colonialism and for national liberation.²⁶ State terrorism, narrowly defined, might include such acts as the Israeli diversion of a Lebanese aircraft from Beirut, the kidnapping of a Korean politician in Tokyo, and the Israeli killing of an Arab in Norway. More broadly defined, it could include indiscriminate aerial bombardment of civilians, apartheid, etc.²⁷

²² 9 The OXFORD ENGLISH DICTIONARY 216 (1911). For a recent study of "state terrorism" which is both theoretical and case-oriented see E. WALTER, *TERROR AND RESISTANCE* (1969). For a revealing account of the tactics of intimidation employed by the South African Government see J. CARLSON, *NO NEUTRAL GROUND* (1973).

²³ *Supra* note 1, at 6. The term "terrorism" was expressly used for the first time in an international penal instrument at the Third (Brussels) International Conference for the Unification of Penal Law, June 26-30 (1930), *ACTES DE LA CONFÉRENCE* (1931). The pertinent sections are quoted in the Secretariat Study, *supra* note 1, at 11-12.

²⁴ *Supra* note 9, at 9.

²⁵ Observation to the *Ad Hoc* Committee on International Terrorism submitted by the Syrian Republic, UN Doc. A/AC.160/1, at 36 (1973). Not surprisingly Syria lists as the principal example of state terrorism the practices of Israel respecting the Palestinians. *Id.*, at 37. See further the statement of the Yemen Arab Republic, UN Doc. A/AC.160/1/Add.1, at 29 (1973). See also the draft proposal, submitted to the Subcommittee by the non-aligned group in the *Ad Hoc* Committee, UN Doc. A/AC.160/L.3/Add.1 and/Corr.1 (1973). This defines state terrorism to include: "Tolerating or assisting by a State the organizations of the remnants of fascist or mercenary groups whose terrorist activity is directed against other sovereign countries." The non-aligned states on the *Ad Hoc* Committee were: Algeria, Congo, Democratic Yemen, Guinea, India, Mauritania, Nigeria, Syrian Arab Republic, Tunisia, Tanzania, Yemen, Yugoslavia, Zaire, and Zambia.

²⁶ *Id.*, at 37.

²⁷ Syria's concept of state terrorism would extend to U.S. actions in Vietnam. UN Doc. A/AC.160/1, at 36 (1973). See also UN Doc. A/AC.160/L.3/Add.1 and/Corr.1 (1973). On Aug. 10, 1973, Israel jets intercepted a Middle East Airlines jetliner out-

Western states, however, rejected the invitation to include governmental acts within the category of terrorism. They did this not because state acts, however callous, are sacrosanct, but for exactly the opposite reason: that adequate international law already restrains state violence. Laws—albeit insufficiently enforced—relating to aggression, genocide, crimes against humanity, reprisals, as well as General Assembly resolutions, and various human rights conventions all speak to the issue of state behavior and seek to regulate the state's proclivity to violence.²⁸ Among the forms of state violence already subject to legal norms is the support of indirect aggression.²⁹ All three draft definitions under active consideration by the UN Special Committee on the Question of Defining Aggression also recognize support for terrorist acts as constituting a form of aggression.³⁰ The

side of Beirut, Lebanon, and forced the plane to land in a military airfield in Israel. The purpose of the diversion was to capture four leaders of the Palestinian Liberation Organization and to hold a show trial in Israel. The leaders were not on board the aircraft, and after a few hours of inspection and questioning Israel permitted the airliner to resume its flight. The incident provoked widespread protests in the international community, culminating in a UN Security Council Resolution condemning Israel by a vote of 15-0 (Security Council Res. 337 (1973), Aug. 15, 1973). For various accounts of the above incident and world reaction see N.Y. Times, Aug. 11, 1973 at 1, cols. 3 & 4; *id.*, Aug. 12, 1973, at 9, col. 1; *id.*, Aug. 13, 1973, at 1, col. 7; *id.*, Aug. 13, 1973, at 10, col. 3; *id.*, editorial, Aug. 14, 1973, at 32; *id.*, Aug. 15, 1973, at 1, col. 7; Christian Science Monitor, Aug. 13, 1973, at 1; *id.*, Aug. 14, 1973, at 1; *id.*, at 7; *id.*, editorial at 18. On Aug. 9, 1973, Kim Dae Jung, the leader of the opposition to South Korean President Park Chung Hee, was abducted from a hotel in Tokyo and released in Seoul five days later. At the time of this writing there is evidence to suggest that it was the work of the South Korean CIA. Mr. Kim was released only after the Japanese Government reacted vehemently to the infringement of its sovereignty. Mr. Kim was in exile. For various accounts of the above incident see N.Y. Times, Aug. 9, 1973, at 8, col. 1; *id.*, Aug. 10, 1973, at 3, col. 7; *id.*, Aug. 11, 1973, at 2, col. 1; *id.*, Aug. 15, 1973, at 3, col. 1; Christian Science Monitor, editorial, Aug. 10, 1973, at 16. Six foreigners, including two Israeli agents, have been charged in the murder of a Moroccan waiter slain on July 21, 1973, in Lillehammer, Norway. The Moroccan, according to newspaper accounts, was mistakenly thought to be a member of a Palestinian guerrilla organization. The incident assumed international proportions when the two Israeli agents were discovered hiding in the home of an Israeli Embassy security officer. On Aug. 14, 1973, the Norwegian Government expelled the Israeli security officer. For accounts of the above incident see N.Y. Times, Aug. 15, 1973, at 6, col. 1; Christian Science Monitor, Aug. 2, 1973, at 4.

²⁸ M. WHITEMAN, 5 DIGEST OF INTERNATIONAL LAW §22 "Nonaggression," at 719-873 (1965); 11 WHITEMAN §2 "Genocide," at 848-73 (1968); 12 WHITEMAN §10 "Reprisals," at 321-28 (1971); 13 WHITEMAN §11 "Human Rights," at 660-78 (1968).

²⁹ "Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance With the Charter of the United Nations," G.A. Res. 2625, 25 UN GAOR SUPP. 28 (1970). See also 12 WHITEMAN, *supra* note 27, §7 "Indirect Aggression," at 215-33 (1971).

³⁰ The three draft definitions are contained in two annexes to the "Report of the Working Group of the Special Committee on the Question of Defining Aggression," UN Doc. A/AC.134/L.37 (1972); Annex I, at 2-3.

Indirect Use of Force

Alternative I

The sending by a State of armed bands, irregulars or mercenaries which invade the territory of a State in such force and circumstance as to amount to armed attack as envisaged in Article 51 of the Charter.

use of "terrorizing" violence by states is also currently within the purview of that committee.

(2) *What Range of Acts?* As in most drafting of prohibitory or inhibitory law, the question arises whether it is better to cast a large and intricately meshed net or a narrower, simpler one. As an example of the former, the 1937 Convention required that the particular criminal acts be directed against a state and included "[a]ny wilful act causing death or grievous body harm or loss of liberty" to public officials in general⁸¹; "[a]ny wilful act calculated to endanger the lives of members of the public"⁸²; "[w]ilful destruction of or damage to public property . . ."⁸³; the "manufacture, obtaining, possession or supplying of arms, ammunition, explosives or harmful substances with a view to the commission in any country whatsoever . . ." of one of the offenses mentioned.⁸⁴

Prior to the 1937 Convention, the Third to Sixth International Conferences for the Unification of Penal Law spelled out a number of acts deemed to be terrorism.⁸⁵ These included arson; explosion; flooding, ignition of asphyxiating or noxious substances; destruction or damaging of firefighting or life-saving equipment; interruption of the normal operation of means of transportation or communication; damaging of public utilities; pollution, fouling, or deliberate poisoning of drinking water or staple foods; causing or propagating contagious or epidemic diseases⁸⁶

When a State is victim in its own territory of subversive and/or terrorist acts by armed bands, it may take all reasonable and adequate steps to safeguard its existence and its institutions, without having recourse to the right of individual or collective self-defence against the other State.

Alternative II

Every State has the duty to refrain from organizing, or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

Indirect Use of Force and Minor Incidents

The Security Council may however in a particular case refrain from the determination of an act of aggression if the act concerned either in regard to intent or extent is too minimal to justify such action.

Annex II (Proposal submitted to the Working Group by Australia, Canada, Italy, Japan, the United Kingdom, and the United States). UN Doc. A/AC.134/L.37/Add. 1, at 1 (1972).

1. The organization or encouragement of the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

2. The organization or instigation of or assistance or participation in acts of civil strife or terrorist acts in another State, or acquiescence in organized activities within its territory directed towards the commission of such acts.

⁸¹ Art. 2(1), *supra* note 2, at 197.

⁸² Art. 2(3), *supra* note 2, at 197.

⁸³ Art. 2(2), *supra* note 2, at 197.

⁸⁴ Art. 2(5), *supra* note 2, at 197.

⁸⁵ *Supra* note 1.

⁸⁶ Art. 1, Third International Conference for the Unification of Penal Law, *supra* note 23. For the entire text see Annex I to the reports submitted by the special rapporteurs to the Sixth International Conference for the Unification of Penal Law, Copenhagen, Aug. 31-Sept. 3 (1935), *ACTES DE LA CONFÉRENCE* 176 (1938). For parts of

or epizootic or epiphytic diseases³⁷ damage to or destruction of public buildings or supplies³⁸; any wilful act which endangers human lives and the community³⁹; and the manufacture, possession, exportation, transportation, sale, transference, or distribution of materials or objects destined for the preparation or commission of a number of the above offenses.⁴⁰

An example of the narrower focus is found in the draft convention submitted by the United States to the *Ad Hoc* Committee. It simply encompasses, as far as the types of acts are concerned, "[a]ny person who unlawfully kills, causes serious bodily harm or kidnaps another person. . . ." ⁴¹ The simplicity of the U.S. provision is due in part to the fact that many other objectionable acts which have been occurring with frequency in the last decade are already covered by other legal instruments.⁴² The danger is not that these matters will be neglected in the new efforts to deal with terrorism, but that their refashioning under new auspices and in a potentially more turbulent context will cause these other more limited but painstakingly wrapped packages to come undone.

As indicated above, the U.S. draft convention does not include crimes against property. This is bound to cause difficulty to states like Yugoslavia and the Soviet Union, which have been the victims of more attacks on property than on persons. However, with their Afro-Asian connections, the Yugoslavs will appreciate the general trend in international law against the protection of proprietary interests abroad. Also, it must be realized that property damage generally is subject to relatively minor penalties which states, even without having their will steeled by treaty, are often prepared to impose on terrorists as on ordinary criminals. Few nations suggested in their observations to the *Ad Hoc* Committee that crimes against property be covered. Israel, on the other hand, declared: "[I]n order to integrate the Conventions of 1970 (The Hague) and of 1971 (Montreal) in the new instrument, 'all harmful acts against property, including the infliction of damage to any means of transportation,' must be included in the definition of terrorism."⁴³ Israel as well urged the inclusion of a number of offenses respecting the falsification of passports and documents when committed for the purpose of facilitating, aiding, or abetting terrorist activity.⁴⁴

A possible compromise can be found in the Draft Articles on the Protection and Inviolability of Diplomatic Agents and Other Persons Entitled to Special Protection under International Law, which deal with the ques-

the text pertinent to the discussion on terrorism see the Secretariat Study, *supra* note 1, at 11.

³⁷ Art. 2(1). *Id.*, at 15.

³⁸ Art. 2(2).

³⁹ Art. 2(4).

⁴⁰ Art. 6.

⁴¹ Art. 1, UN Doc. A/C.6/L.850, at 2 (1972). The U.S. draft convention significantly restricts the scope of its provisions, and such restrictions are described below.

⁴² "The Role of International Law in Combating Terrorism," DEPT. STATE PUB. 8689, GENERAL FOREIGN POLICY SERIES 270 (1973).

⁴³ UN Doc. A/AC.100/1/Add. 1, at 17 (1973).

⁴⁴ *Id.*, at 19.

tion of property only as an adjunct to that of safety of the person, making it a crime to commit:

A violent attack upon the official premises or the private accommodation of an internationally protected person likely to endanger his person or liberty.⁴⁵

Also under this heading comes the question of which ancillary offenses should be within the scope of any international remedy. In addition to unlawfully killing, causing serious bodily harm, or kidnapping, the U.S. draft convention covers anyone who

*attempts to commit any such act, or participates as an accomplice of a person who commits or attempts to commit any such act . . .*⁴⁶

The 1937 Convention is more ambitious, including not only attempts but also conspiracy,⁴⁷ incitement, if successful, to all offenses,⁴⁸ direct public incitement to certain acts even if unsuccessful,⁴⁹ wilful participation,⁵⁰ and assistance knowingly given.⁵¹ The Third-Sixth International Conferences for the Unification of Penal Law included similarly a range of ancillary offenses, the most unusual being Article 3 of the Fourth (Paris) International Conference, which stated that "[a]ny person who, by public utterances or by writings or drawings circulated among the public or publicly displayed, incites others to commit the offense referred to in article 1⁵² or defends the act constituting the said offense or the persons committing it shall be punishable. . . ."⁵³

Respecting the question of ancillary offenses, the commentary of the International Law Commission on its Draft Articles on the Protection and Inviolability of Diplomatic Agents summarizes the position of the Commission as follows:

The concept of threat appears in article 1 of The Hague Convention. Attempt and participation are likewise included in The Hague and

⁴⁵ Art. 2(1)(6), 27 UN GAOR SUPP. 10, at 94, UN Doc. A/8710/Rev. 1 (1972).

⁴⁶ Art. 1(1), UN Doc. A/C.6/L.850, at 2 (1972), emphasis added.

⁴⁷ Art. 3(1).

⁴⁸ Art. 3(2).

⁴⁹ Art. 3(3).

⁵⁰ Art. 3(4).

⁵¹ Art. 3(5).

⁵² Article 1 reads:

Any person who, with a view to terrorizing the population, makes use against persons or property of bombs, mines, explosive or incendiary devices or products, fire-arms or other lethal or destructive devices, or who causes or attempts to cause, propagates or attempts to propagate any epidemic, animal disease or other calamity, or who interrupts or attempts to interrupt any governmental or public utility service shall be punishable by . . .

This is part of the text adopted by Committee III of the Fourth (Paris) International Conference "together with the recommendation that the consideration of offenses creating a common and general danger should be deferred until the Fifth Conference." The Fifth Conference did not adopt the five articles as presented by Committee III of the Fourth Conference.

Article 5 of Committee III's text is also interesting. It reads:

Any persons other than the instigator who, prior to the commission of the offences referred to in the preceding articles and prior to any prosecution, inform the public authorities thereof and disclose to them the perpetrators or who, even after prosecution has been initiated, cause the arrest of the other offenders shall be exempt from punishment.

See Secretariat study *supra* note 1, at 12-13. ⁵³ *Id.*

Montreal Conventions and in the Uruguay working paper. Threat, attempt, and participation as an accomplice are well defined concepts under most systems of criminal law and do not require, therefore, any detailed explanation in the context of the present draft. It shall be noted, however, that some concern was expressed regarding both the scope of the provision on threat and the need for inclusion of this type of offense.⁵⁴

While endorsing the inclusion of an "attempt" clause in the Draft Convention, the International Law Commission did not accept the suggestion that "conspiracy" be the basis for a separate international offense.

... paragraph 1 does not include conspiracy to commit any of the violent attacks referred to in sub-paragraphs (a) and (b) because of the great differences in its definition under the various systems of criminal law. Some systems do not even recognize it as a separate crime.⁵⁵

The Draft Articles use the following terminology in reference to acts ancillary to attacks on diplomats:

Article 2(1) ...

- (c) A threat to commit any such attack;
- (d) An attempt to commit any such attack; and
- (e) Participation as an accomplice in any such attack, shall be made by each State Party a crime under its internal law, whether the commission of the crime occurs within or outside of its territory.⁵⁶

(3) *What Constitutes the International Component?* Presumably, if a certain range of terrorist acts is to come under international purview, that range should include some acts which are not currently punished or punishable in the domestic legal order of all states; and it should not include certain kinds of offenses which are of minimal concern to the international community because they are invariably adequately treated by national law or because they have no significant impact on relations between states, on minimum standards of world order, or on minimum standards of humanitarian conduct.

There are a number of ways to distinguish internationally cognizable acts of terrorism from acts properly left to national disposition. The first way is to emphasize the motive behind the acts. The second is to emphasize the status of the victim. The third is to focus on the territorial and jurisdictional aspects of the act.

(4) *Motive and Intent?* Motive is an extraordinarily elusive factor to prove. Moreover, the attempt to define the international crime by reference to the motive of the terrorist would place at front stage center all the vexing problems of the political, moral, and legal legitimacy of every cause espoused by each actual or potential terrorist group. Wisely, Article 2(1) of the Draft Articles of the International Law Commission for the protection of diplomats recognizes the element of intentionality but not of motive, speaking of the "intentional commission, regardless of mo-

⁵⁴ 27 UN GAOR SUPP. 10, at 94, UN Doc. A/8710/Rev. 1 (1972).

⁵⁵ *Id.*, at 94-95.

⁵⁶ *Id.*

tive. . . ."⁵⁷ The commentary explains that "[w]hile criminal intent is regarded as an essential element of the crimes covered by article 2, the expression 'regardless of motive' restates the universally accepted legal principle that it is the intent to commit the act and not the reasons that led to its commission that is the governing factor."⁵⁸

On the other hand, motive is a necessary ingredient in the U.S. draft convention. One of the four separate conditions which must be met is that the act must be "intended to damage the interests of or obtain concessions from a State or an international organization."⁵⁹ As explained in a U.S. policy statement, "[t]his provision differentiates covered acts of international terrorism from everyday crimes dealt with by domestic criminal laws. For example, assume a citizen of another country is kidnapped in the United States. If it is done for ransom from a relative in the United States, it is a crime under U.S. law, but it is not covered by our draft. If, however, it is done to secure the release of guerrillas in the prisons of another country, it is also covered by the draft convention."⁶⁰

The U.S. position as to the importance of motive is reinforced by France and a number of other countries. France stated that:

acts which spread terror among the population may be committed for ordinary criminal motives, such as extortion of sums of money. However it is not this type of attack on the established order which justifies the Secretary-General's initiative, for it does not differ greatly from ordinary offenses, which are controlled by internal legislation and traditional international mutual assistance in criminal matters. The real problem facing the modern world is that of international terrorism whose origin and aims are political.⁶¹

The 1937 Convention also included the element of motive in the definition of "acts of terrorism": "Criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public."⁶²

Sweden, however, has pointed out the difficulty in defining satisfactorily the political motive element inherent in the notion of terrorism, stating that states tend to consider acts directed against themselves as terrorist acts, whereas large sectors of public opinion, nationally and internationally, would find it difficult in a number of cases to accept such views.⁶³

⁵⁷ *Id.*

⁵⁸ *Id.*, at 95. Article 2 of the OAS Convention, *supra* note 14, contains a similar provision:

For the purposes of this Convention, kidnapping, murder and other assaults against the life or personal integrity of those persons to whom the State has the duty to give special protection according to international law, as well as extortion in connection with those crimes, shall be considered common crimes of international significance, regardless of motive.

⁵⁹ Art. 1(d), UN Doc. A/C.6/L.850, at 2 (1972).

⁶⁰ *Supra* note 42, at 5.

⁶¹ UN Doc. A/AC.160/1/Add. 1, at 9 (1973), quoted in Secretary-General's Analysis of Observations, *supra* note 9, at 7. Similar views were expressed by Germany, Italy, the Netherlands, and the United Kingdom. *Id.*, at 6.

⁶² Art. 1(2), *supra* note 2, at 197.

⁶³ UN Doc. A/AC.160/1, at 32 (1973). Quoted in Secretary-General's Analysis of Observations, *supra* note 9, at 7.

The principal benefit of a "motive" test is that it excludes certain crimes already adequately punishable by national laws; but its disadvantage is that it would automatically and specifically catch all acts intended to terrorize any government, anywhere, without exception—thereby setting the stage for some states to insist on including specific exceptions for national liberation movements. Others, while accepting the nobility of some liberation causes, feel that even worthy causes must be outlawed if pursued by indiscriminate means.⁶⁴

In any event, *motive* is the "unruly horse" of international law. If the only benefit to be derived from a specific "motive" clause is to ensure that the prosecution by a state of its ordinary garden-variety domestic terrorists not be subject unnecessarily to international legal complexities, that objective could probably be achieved in some less controversial way. In all likelihood, the procedural provision of any draft convention prepared by the General Assembly would ensure that the state in which a perpetrator was apprehended would always have the option to try the offense itself, under its domestic laws. In the garden-variety case, the state of the commission of the offense would generally also be the state where the perpetrator was apprehended.

(5) *Victims?* Another, perhaps slightly less controversial element of the definition is that which points to the kind of persons affected by the designated acts. Most nations which favored a convention on terrorism chose to focus on safeguarding *innocent* persons unconnected with "indiscriminate acts of violence," i.e., attacks on persons unconnected with the terrorists' struggle.⁶⁵ Here law and philosophy meet on marshy ground. "Innocence" is an elusive status. In the eyes of most terrorists, all government officials are evidently guilty. But what of the private citizens who carry the flag in trade, athletics, or nongovernmental organizational activities? Or, for that matter, what of every private citizen who, merely by not resisting, may be presumed to condone his government's acts? Is the foreigner "innocent" who engages in such supportive activities as trade, cultural exchange, or even tourism with a "guilty" government or in a "guilty" country?

The Draft Articles on the protection of diplomats avoid such problems by focusing on the status of a single class of victims, diplomats, while excluding all other victims of violence from their purview. An effort to achieve comparable clarity is evidenced by Canada's reply to the Secre-

⁶⁴ For a summary of these positions, see *id.*, at 7-8.

⁶⁵ The phrase "indiscriminate acts of violence" appears in the draft reports of the *Ad Hoc* Committee. UN Doc. A/AC.160/L.3, at 5 (1973). Austria states:

It strongly believes there are limits to the indiscriminate use of force in every form of human conflict. Individual acts of terrorism, particularly those resulting in the loss of innocent human lives in countries which have nothing to do with the conflict in question do . . . exceed these limits and therefore must be condemned. They are likely to threaten the very basis of present day civilization. *Ibid.* For statements echoing this sentiment see Belgium (9), Fiji (11), Federal Republic of Germany (10), Iran (13), Italy (14), United Kingdom (41), United States (43), Japan, UN Doc. A/AC.160/1/Add. 1, at 22 (1973); Czechoslovakia, UN Doc. A/AC.160/1/Add. 2, at 3 (1973); Yugoslavia, *Id.*, at 5.

tariat preliminary to the first meeting of the *Ad Hoc* Committee of Thirty-Five:

Notwithstanding the fact that violence should never be inflicted upon innocent individuals and despite the desirability of covering any acts of trans-border terrorism endangering innocent people, it would seem that to gain the general support necessary to ensure its effectiveness, any new convention should cover primarily those acts of international terrorism in which terrorist violence is intentionally and deliberately extended to countries, or to the innocent citizens of those countries, not directly involved in the dispute giving rise to the violence.⁶⁶

The Federal Republic of Germany, the Netherlands, Italy, Sweden, and the United Kingdom also expressed the view that the instrument should be chiefly designed to protect the nationals of third states.⁶⁷ While this leaves innocent Israeli or Yugoslav civilians unprotected, it does permit a greater certainty than any other test of "innocence," and it additionally enhances the likelihood of general acceptance of the convention.

The U.S. draft, on the other hand, would apply the new law to cases where the victim is a national of a state other than the one which is the terrorist's antagonist (*i.e.*, an "innocent state") only if such an "innocent" national is attacked outside the territory of the state of which the terrorist is a national.⁶⁸ The U.S. draft thus does not appear to protect the American who is kidnapped in Egypt by an Egyptian member of the Palestine Front. Canada criticized this position as being "unduly restrictive since under [the U.S. definition] . . . any act, to be covered, must be committed outside of the territory of which the alleged offender is a national. The Government of Canada considers that there would be an international element sufficient to bring an act within a new convention if a national were to commit an act of terrorism within his own territory which is directed against a person who, the offender knows or has reason to know, is not a national of the territory."⁶⁹ South Africa urged that international character exists "whenever the act of terrorism originates, is aided or has effects in a second country."⁷⁰

The U.S. draft does, however, subject to international law terrorist acts committed against the national of the antagonist state by a national of the same state if the act is committed "[o]utside the territory of the state against which the act is directed."⁷¹ Thus the murder of Israeli athletes would have been covered if the event occurred in Munich, but not if it occurred in Israel or in the territory of the terrorist's nationality. Under the Canadian approach, the Israelis would not have been covered any-

⁶⁶ UN Doc. A/AC.160/1/Add. 1, at 5 (1973). Quoted in Secretary-General's Analysis of Observations, *supra* note 9, at 19.

⁶⁷ UN Doc. A/AC.160/2, at 19 (1973).

⁶⁸ Art. 1(1)(a)-(b), UN Doc. A/C.6/L.850, at 2 (1972).

⁶⁹ UN Doc. A/AC.160/1/Add. 1, at 5 (1972).

⁷⁰ UN Doc. A/AC.160/1, at 25 (1973). The international element in the 1937 Convention was the requirement that "the acts" be directed against another state. Art. 1(2), *supra* note 2, at 197.

⁷¹ Art. 1(1)(b)(i), UN Doc. A/C.6/L.850, at 2 (1972).

where. The U.S. position thus combines elements of "innocent nationality" and "innocent territoriality" in defining which terrorist acts, against whom and where committed, are to be subject to international cognizance. Put in another and more functional way, the Canadian position seeks to invoke international cooperation to define such offenses as murders and kidnapping, in such a way as to protect *nationals* of "innocent bystander" states, regardless of where they may be found. The U.S. position, on the other hand, seeks to limit violence to *the territory* of the protagonists, making any violence against anyone outside that physical area subject to international law. The United States also seeks to achieve a measure of international protection for nationals of "innocent bystander" states, but not in the home territory of the terrorist.⁷²

III

REMEDIES

Once a decision has been made as to which kinds of acts, committed where, against whom, and under what circumstances are to be covered by a law of international terrorism, then attention must turn to implementation. With terrorist crimes, as with international tax law, a principal problem is that of the safe-haven. Terrorists, like certain corporations, have the mobility to go jurisdiction shopping. Thus an international agreement would be of little value, except as an exhortation to virtue, if it were so drafted as to (1) create jurisdictional lacunae, or (2) preclude ratification by a significant number of states.

The second of these problems can only be overcome (if at all) by political bargaining that creates a hammer neither so heavy that many states refuse to wield it, nor so light as to be unserviceable. The first problem, however, while partly political, is more amenable to remedies.

States traditionally have predicated their jurisdiction to prosecute and punish criminal offenders upon one or more of the following four principles: (1) territoriality; (2) nationality; (3) protection-security; and (4) universality. As far as the first principle is concerned, it is widely recognized that a state is competent in general to prosecute and punish all crimes committed wholly or in part within its territory, irrespective of the nationality of the person committing the crime.⁷³

The competence of a state to prosecute and punish its nationals on the sole basis of nationality is also widely accepted in practice. Thus a state may prosecute and punish its nationals for crimes that they commit abroad, irrespective of the fact that the criminal act may have no effect upon the state of the national.⁷⁴ The above principle is commonly known as the "active nationality principle." Additionally, a state may attempt to exer-

⁷² Art. 1(1) (b) (ii), *id.*

⁷³ RESTATEMENT (SECOND) OF THE FOREIGN RELATIONS LAW OF THE UNITED STATES, §§17, 30, 33, and 34 (1965).

⁷⁴ Draft Convention on Jurisdiction. HARVARD LAW SCHOOL RESEARCH IN INTERNATIONAL LAW 519 (1935).

cise jurisdiction on the basis of "passive nationality," whereby the nationality of the victim is conceived (not without dispute) to provide a basis for a state to prosecute and punish crimes committed against its nationals abroad.⁷⁵

The protective principle as set out by the Harvard Draft Convention on Jurisdiction provides that "[a] State has jurisdiction with respect to any crime committed outside its territory by an alien against the security, territorial integrity or political independence of that State. . . ." ⁷⁶ The basis of such jurisdiction is the nature of the interest injured, rather than the place of the act or the nationality of the offender.

The fourth principle of jurisdiction is that of universality. Universality establishes a basis of jurisdiction for a state respecting certain crimes of a notorious character, even though they are committed outside of the territory of the state by non-nationals against non-nationals. The most frequently cited example is the crime of piracy.⁷⁷

If a national of State A were to commit an act of international terrorism against a national of State A in State B, and were he apprehended in State C, State C could not prosecute and punish the terrorist unless the crime of international terrorism were to be made subject to universal jurisdiction, which is not now the case. Extradition might or might not be available, depending on whether there was a treaty with either State A or State B and on the terms of the treaty. If there is no such extradition treaty, then the problem of a jurisdictional lacuna arises.

If, on the other hand, an extradition treaty were in force, then we have the problem of the historical exclusion from extradition treaties of "political offenses." Terrorism is quintessentially political. The UN Secretariat, however, notes in its report to the Sixth Committee a trend toward exempting terrorism from the category of political offenses⁷⁸ and cites three traditional ways in which this has been effected:

(1) By incorporating the so-called "Belgian" or "attentat" clause according to which certain acts against Heads of States are not to be considered political offenses.⁷⁹

(2) By providing that certain specified activities or crimes beyond those covered under the "attentat" clause shall also not constitute political offenses. Examples of this kind usually stress a distinction between social terrorism and political terrorism.⁸⁰ "Social" terrorism

⁷⁵ Sarkar, *The Proper Law of Crime in International Law* in G. MUELLER AND E. WISE (eds.), *INTERNATIONAL CRIMINAL LAW* 50 at 51 (1964).

⁷⁶ *Supra* note 74, at 543.

⁷⁷ L. JIMENEZ DE AZUA, 2 *TRATADO DE DERECHO PENAL* 757 (1964). Respecting piracy, see *supra* note 74, at 563.

⁷⁸ UN Doc. A/C.6/418, at 16 (1972).

⁷⁹ *Id.*, at 17-18. Cited by way of illustration is the Agreement on Extradition among Ecuador, Peru, Colombia, Bolivia, and Venezuela of 1911: "Article 4 . . . an attack on the life of a Chief of State will not be considered a political offense or an act in connection with it." 2 *TRATADOS PUBLICOS DE VENEZUELA* 435.

⁸⁰ *Id.*, at 19. Cited by way of illustration is the Central American Extradition Convention of 1934: "Article 3 . . . anarchistic attacks shall not be considered as political crimes." 68 *PAN AMERICAN UNION BULL.* 416 (June 1934).

is directed at governments, states, or political systems in general, rather than against one regime.

(3) By including in extradition treaties a clause to the effect that an offense in which the common crime element predominates is not a political offense.⁸¹

These three formulae fail, however, to meet the problem of the modern terrorist whose acts are not directed at the Head of State, whose crimes are against a specific government rather than anarchically against all governments, and whose objectives are political. A more effective provision in extradition treaties would be one which stated that international terrorist acts as defined in the Convention on the Prevention and Suppression of International Terrorism are not exempt from extradition, even if the terrorist's motive was wholly or partly political. Such a clause might be incorporated into existing and future extradition conventions by the parties and added to domestic implementing legislation (a time-consuming process) or the Terrorism Convention could provide that the parties undertake, on the basis of reciprocity, to interpret their existing and future bilateral extradition treaties and their implementing legislation in accordance with the subsequent multilateral convention so as to include terrorist acts within the ambit of extraditable offenses. None of this, however, would in itself fill the very large gaps in the existing incomplete grid of bilateral extradition treaties.

Even if extradition for crimes of international terrorism were to be made mandatory, in the event of more than one request, to which requesting state should the offender be extradited? Priority is usually given to the first request received, or alternatively, to the most serious offense charged. Article 7(4) of the International Law Commission's Draft Articles on the protection of diplomats proposes that:

An extradition request from the State in which the crimes were committed shall have priority over other such requests if received by the State Party in whose territory the alleged offender has been found within six months after the communication required under paragraph 1 of article 5 has been made.⁸²

The six-month period in the ILC draft was included as an incentive to the territorial state to submit its request for extradition promptly. As explained in the Commission's commentary, Article 7(4) reflects "the generally acknowledged primacy of the principle of territoriality in matters of jurisdiction."⁸³

Fairness dictates that extradition should not ordinarily be granted to the victim-state, *i.e.*, to the state against which the terrorist is ultimately

⁸¹ *Id.*, at 21. Cited by way of illustration is the Draft Extradition Convention approved by the International Law Association in 1928: "Article 7 . . . Nevertheless the extradition of a person accused or convicted of a crime involving the loss of human life or grievous bodily harm . . . shall be accorded notwithstanding the political character of the crime alleged." INTERNATIONAL LAW ASSOCIATION, REPORT OF THE 35TH CONF. 326 (1928).

⁸² *Supra* note 15, at 98.

⁸³ *Id.*, at 99.

directing his violence. Another way of dealing with the problems of fairness is to retain the "political offenders" exception to extradition but to limit it, as an English court did recently, strictly to requests for extradition by the state intended to be victimized by the terrorists, thus permitting the extradition of a fugitive to a third state in which the terrorist act was committed.⁸⁴

That mandatory extradition could adequately solve the difficulty of jurisdictional lacunae is quite feasible legally; yet, it is clear to the authors that such a solution is illusory, because it is plainly unrealistic in political terms. No state among those making preliminary replies to the *Ad Hoc* Committee has suggested compulsory extradition as the exclusive remedy. Instead, the prevalent theme of those addressing themselves to this question is indicated by the Canadian position which calls for a convention patterned on Article 8(1) of the 1937 Convention,⁸⁵ Article 3 of the U.S. Draft Convention,⁸⁶ and Article 7 of the Hague and Montreal Conventions,⁸⁷ i.e., obliging states *either* to extradite the alleged offender *or* sub-

⁸⁴ *R. v Governor of Pentonville Prison, ex parte Tzu-Tsai Cheng* [1973] 1 A11 E.R. 935 (Q.B.), aff'd [1973] 2 A11 E.R. 204 (H.L.). The case involved a dissident Taiwanese who attempted to murder Chiang Kai-shek's son in New York on April 24, 1970. He was convicted of attempted murder but fled to Sweden while on bail awaiting sentencing. After long extradition proceedings in Sweden, he was placed on a plane to New York; however, he fell unconscious during flight and was taken to London. The United States applied for extradition, and the Taiwanese national applied for a writ of habeas corpus contending that the offense was one of a political character and not extraditable. Noting that this was "the first occasion on which this precise point" had arisen, James, L.J., drew upon the reasoning in another extradition case, quoting Lord Radcliffe "In my opinion the idea that lies behind the phrase 'offence of a political character' is that the fugitive is at odds with the state that applies for his extradition on some issue connected with the political control or government of the country. The analogy of 'political' in this context is with 'political' in such phrases as 'political refugee', 'political asylum' or 'political prisoner'. It does indicate . . . that the requesting state is after him for reasons other than the enforcement of the criminal law in its ordinary, what I may call its common or international aspect." (*Schtraks v. Government of Israel*, [1962] 3 A11 E.R. 529, 540; [1964] A.C. 556, 591, quoted in *id.*, at 938-39.) On Aug. 8, 1973, the Taiwanese dissident was sentenced by a New York Court to a maximum of five years. N.Y. Times, Aug. 9, 1971, at 9, col. 1.

⁸⁵ Art. 8(1):

When the principle of the extradition of nationals is not recognised by a High Contracting Party, nationals who have returned to the territory of their own country after the commission abroad of an offence mentioned in Articles 2 or 3 shall be prosecuted and punished in the same manner as if the offence had been committed in their own country, even in a case where the offender has acquired his nationality after the commission of the offence.

Supra note 2, at 188.

⁸⁶ UN Doc. A/C.6/L.850, at 3 (1972). Art. 3:

A State Party in whose territory an alleged offender is found shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

⁸⁷ UN Doc. A/C.6/418, Annex III, at 3 (Hague); Annex IV, at 4 (Montreal) (1972). Hague and Montreal Conventions, Art. 7:

The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and

mit him to prosecution by their competent authorities. Canada noted that its proposal should be distinguished from the 1971 OAS Convention which also contains a similar option to either extradite or prosecute, but adds in Article 6 that "[n]one of the provisions of this Convention shall be interpreted so as to impair the right of asylum." Canada dissented from the latter position, on the ground that "[a]cts of international terrorism . . . are so disruptive and damaging to international order that although the right to grant asylum should permit a State to refuse extradition, it should not be invoked to allow a State to refuse to submit the case to its competent authorities for the purpose of prosecution."⁸⁸

In addition, states could widen their national jurisdiction over international terrorism by basing it on the principle of universality. It has been suggested that the origin of the universality principle lies in the Biblical story of Cain and Abel, wherein Cain lamented:

Behold, thou hast driven me out this day from the face of the earth; and from thy face shall I be hid; and I shall be a fugitive and a vagabond in the earth; and it shall come to pass, *that* everyone that findeth me shall slay me.

A similar concept is to be found in the Greek cities' practice of ostracism. A number of states have enacted municipal law for universal jurisdiction in accordance with treaty obligations having to do with piracy, genocide, and aerial hijacking.⁸⁹

Among the other issues to be resolved are those relating to international minimum standards for the treatment of criminal offenders. Such standards are ordinarily directed to improving the lot of persons convicted of crime,⁹⁰ (and there may, indeed, be need to guarantee minimum standards of justice for apprehended terrorists) but in this instance the problem tends to arise in the form of excessive leniency on the part of sympathetic

whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State.

⁸⁸ UN Doc. A/AC.160/1/Add. 1, at 5 (1973).

⁸⁹ Canada's provisions respecting piracy and hijacking are illustrative of this type of legislation.

Piracy

(1) Every one commits piracy who does any act that, by the law of nations, is piracy.

(2) Every one who commits piracy while in or out of Canada is guilty of an indictable offence and is liable to imprisonment for life, but if while committing or attempting to commit piracy he murders or attempts to murder another person or does any act that is likely to endanger the life of another person he shall be sentenced to death.

2 CAN. REV. STAT. C. 34, §75 (1970).

Air Crimes

Notwithstanding this Act or any other Act, every one who . . .

In relation to an aircraft in service, commits an act or omission outside Canada if committed within Canada would be an offence . . . shall, if he is found anywhere in Canada, be deemed to have committed that act or omission in Canada.

§6.1(1)(b) CAN. CRIMINAL CODE, as amended by §3, Criminal Law Amendment Act of 1972.

⁹⁰ E.g., see Report of UN Consultative Group on Prevention of Crime and Treatment of Offenders, UN Doc. St/SOA/91 (1968).

apprehending governments. If a "freedom fighter" assassinates an individual is the obligation of the apprehending state to extradite or to try the terrorist discharged by a proceeding culminating in a suspended one-year sentence? If the extradite-or-prosecute provision of the proposed treaty is to have teeth, its meaning must be spelled out. The obligation referred to in the U.S. Draft to make terrorism "punishable by severe penalties"⁹¹ does not go far in that direction. An alternative might be the "national treatment" standard so long favored by countries in the southern hemisphere.⁹² In this case, "national treatment" would require prosecution and sentencing procedures no different from those which would apply had the victim been a national of the apprehending country.

Finally, under this heading, are the problems of *res judicata*, *autrefois acquit/convict*, and double jeopardy, which will have to be resolved by a provision in which signatory states agree to afford full reciprocal faith and credit to the results of prosecutions in the courts of other signatory states, providing these were in accordance with the rights and obligations of the multilateral treaty. Disputes arising out of the application of such a provision could be subject to an appropriate international conciliation or arbitration procedure.

IV

THE CAUSES OF TERRORISM

The politics of the situation made it clear at the 27th session of the General Assembly that any effort to deal with terrorism had to be coupled with a study of its causes. One approach would be to investigate social, economic, and political factors with a view to preparing a set of social indicators that would permit the prediction and avoidance of terrorism. An alternative approach would be to define circumstances which, being contributory factors to terrorist activity, ought to be taken into consideration not as a defense but as mitigating factors in the punishment of international terrorist crimes. The Algerian delegate rejected the first approach out of hand, stating to the *Ad Hoc* Committee that "the motivation of 'individual terrorism' is a subject for study in sociology, psychology, genetics and other contemporary human sciences. Its study is not within the terms of reference of the Special Committee."⁹³ Algeria took the position that the kinds of terrorism within the purview of the Committee were terrorism by states and against states, and that the causes of terrorism against states were invariably to be found in state terrorism. The causes of state terrorism were apparent enough to the Algerian Government to be readily enumerated in its proposal. The acts of terrorism against states are, however, elsewhere excluded from the scope of "international terror-

⁹¹ UN Doc. A/C.6/L.850, at 2 (1972).

⁹² See F. DAWSON & I. HEAD, *INTERNATIONAL LAW, NATIONAL TRIBUNALS, AND THE RIGHTS OF ALIENS* 114-19 (1971).

⁹³ UN Doc. A/AC.160/L.3/Add. 2, Annex, at 6-7 (1973).

ism" as defined by the non-aligned states, including Algeria.⁹⁴ The Western states are unlikely to go along with such a set of proposed norms, preferring no agreement at all to one which actually sanctions the acts sought to be prohibited.

V

PROSPECTS AND PROPOSALS

The effort to deal with the growing phenomenon of terrorism depends for its success on two sets of perceptions in the negotiations. The first is that virtually all governments must perceive at least certain kinds of terrorist acts (*e.g.*, against nationals *of and in* "innocent-bystander states") as against their individual and collective self-interest. That is, the common "bureaucratic perspective" of governments must engender sufficient solidarity to withstand at least the more extreme claims of terrorist client groups. In a sense, this depends on whether two Arab nationalists, one of whom is in government, have less in common than two government officials, only one of whom is an Arab nationalist. Only if the answer is in the affirmative, that is, only if the bureaucratic network is stronger than the ethnic and ideological networks, is a convention possible.

The second prerequisite of a successful negotiation is that all governments realize that they are really engaged in a collective negotiation with a party—terrorists—that is not present at the negotiations.⁹⁵ A convention, to be successful, must therefore serve two separate functions. As between state parties, it must constitute an effectively binding and enforceable agreement. As between the governments on the one hand and terrorist movements on the other, however, the proposed convention must constitute a kind of offer—the kind of offer mixing carrots and sticks in a proportion likely to induce acceptance. This offer could take the form of two "if/then" propositions. In one, state conduct is the independent variable; in the other, it is terrorist conduct.

Proposition One would be that, if a government abides by minimal standards of social, political, and economic rights,⁹⁶ the use of terrorist methods to achieve change is so impermissible as to be subject to the utmost concerted sanctions of the international community. If the government habitually violates these standards, third states are free to refuse to apply international remedies against terrorists who attempt to achieve change by force.

Proposition Two would be that, if an organized terrorist movement directs and confines its use of force to officials of the government against which they are fighting and/or if it restricts the level of violence (*e.g.*, to nonlethal levels), members of that movement are entitled, if captured, to treatment analogous to that accorded to belligerents in a civil war,

⁹⁴ UN Doc. A/AC.160/L.3/Add. 1/Corr. 1, para. (3) (1973).

⁹⁵ Cf. Meron, *Some Legal Aspects of Arab Terrorists' Claims to Privileged Combatancy*, 40 NORDISK TIDSSKRIFT FOR INTERNATIONAL RET 47 (1970).

⁹⁶ See J. CAREY, UN PROTECTION OF CIVIL AND POLITICAL RIGHTS (1970).

even by the opponent government (*i.e.*, they may not be brought to trial or subjected to punishment other than humane detention). On the other hand, terrorists who attack other persons or escalate their use of force to lethal violence would not be entitled to preferential treatment.

The first proposition aims to restrict terrorism against governments which provide orderly and effective internal political machinery for public participation and change, while turning terrorism into an internationally condoned weapon of self-help to be used by the citizenry against governments that habitually violate minimal standards. Such a proposal, by creating a target differential, requires some credible body to determine whether a government is above or below the differential line set by the minimal human rights standards. But what body could be trusted to make such a determination impartially? Certainly not the Security Council, which, perhaps naturally, has acted as the partisan reflection of its members' national political biases. The International Court of Justice, utilizing its slowly reviving advisory jurisdiction, might be a better alternative.⁹⁷

The second proposition, while bearing resemblances and serving similar purposes to the U.S. draft treaty, is unlikely to appeal to states which must, after all, negotiate through the very officials who are made more attractive targets by this proposal. But terrorists are unlikely to restrict themselves voluntarily; they must be offered something in return. If the officials of governments genuinely want terrorism confined to attacks on the terrorists' enemies, they must create differential treatment for those who do.

In sum, despite the constructive efforts of several non-aligned countries such as Iran and Nigeria at the recent meeting of the Committee of Thirty-Five, the prospects for a terrorism convention are far from encouraging. A somewhat better prognosis might be made for a more modest approach, as, for example, one which would substitute a specific and limited object of control. "Terrorism" is an historically misleading and politically loaded term which invites conceptual and ideological dissonance. Too many states, even if they dislike random slayings and bombings, cannot be considered as "anti-terrorist." States might consider either (1) a convention to prevent the export of violence to countries not parties to a conflict; or (2) a convention for the prevention and eradication of certain quite specific and particularly offensive acts. One thinks, particularly, of the dispatch, through the international postal service, of letter bombs and other explosive devices. The taking of hostages is another instance. In the first or second approach, the term "terrorism" need not be brought into play. Equally important, such conventions would aim

⁹⁷ See, for example, the recent flexible approach of the Court to the expanding use of the advisory opinion process reflected in: Application for Review of Judgment No. 158 of the United Nations Administrative Tribunal, Advisory Opinion, [1973] ICJ 166.

only at acts which could be narrowly defined and that are nearly universally disapproved by the governments of states, even those which have a soft spot for some other "terrorist" activities. Finally, such an approach could equally encompass acts of states and acts of resistance groups, thereby sidestepping the broader question of whether "state terrorism" ought to be included in a terrorism convention. Governments and individuals should, equally, be enjoined from mailing explosives, attacking their opponents abroad, or taking hostages. On that much, all states ought to agree.

Mr. HAMILTON. Thank you, Dr. Lockwood.

Let's get Mr. Falk's statement on the record and then we will direct questions to both of you.

**STATEMENT OF RICHARD A. FALK, PROFESSOR, CENTER FOR
INTERNATIONAL STUDIES, PRINCETON UNIVERSITY**

Mr. FALK. Thank you, Mr. Chairman.

Like Professor Lockwood I, too, am grateful for the opportunity to appear before this subcommittee and to have the opportunity to present my views on this very critical set of questions.

I also want to reciprocate Professor Lockwood's kind comments and say that I have admired his work in this area and that in many ways our perspectives are quite compatible and complimentary.

I, too, will not burden you with a full presentation of my statement and in fact I will try to focus my oral presentation on some of the issues that Professor Lockwood raised and where I think we have slight differences of emphasis that might clarify what would be useful to discuss.

EMPHASIS ON HUMAN RIGHTS NEEDED

Let me first say that I find myself sharing Professor Lockwood's desire that the U.S. Government place greater emphasis on human rights. However, I feel that the prospects for doing so are very poor until the overall direction of American foreign policy begins to take serious account of the justice claims of repressed peoples throughout the world, rather than seeking only to promote the ordering claims of governments.

I think that the fundamental issue here is that one can't have a stable international environment merely by facilitating order in the world. A serious—and not merely rhetorical—concern for justice is integral to achieving any kind of meaningful stability. Therefore, peace and justice are essential ingredients, it seems to me, for both a responsible American foreign policy and for a stable world order. However, American policy on these questions, while pretending to be concerned with justice as well as with order, has primarily been characterized by what I would call a law and order approach to the problems posed by international terrorism.

LAW AND ORDER APPROACH FAILS

In my view a law and order approach to international terrorism is bound to fail, both because it will be ineffective and because it will produce some very significant indecent results. In this regard I think we have to become much more sophisticated than we have been about the grievances and strategies of the principal purveyors of international terrorism. In that regard I think it is very important to realize, when talking about the Middle East, that several distinct points of views are bound up within the Palestinian self-determination movement.

In my view, those groups relying on international terror are trying to transmit a message to several different audiences, including an audience here in Washington. I think the principal message that is

being sent to Washington is that so long as Palestinian self-determination does not achieve some significant realization there will be a continuation and conceivably an escalation in recourse to terror, that the problem won't go away.

MIDDLE EAST CIRCUMSTANCES

I agree very much with Professor Lockwood's statement that had there been no terror in the Middle East over the past several years, had the Palestinian groups instead pursued what are regarded as reasonable and quiet strategies, their claims would be off the political agenda all together. I think one has to reluctantly acknowledge that international terror a credible and effective strategy in certain circumstances, and those circumstances exist in the Middle East.

First, there is a strong link between the acts of terror and a mass popular base of support. In other words, unlike splinter terrorist groups in this country, for instance, the Palestinian organizations employing terror have a mass base of support that may not endorse the methods but certainly endorses the objectives for which terroristic practices are relied upon.

The second important feature of the Middle East situation is that the terrorists enjoy either tacit or explicit support from significant centers of institutional authority, from significant governments, and that it is virtually impossible under these circumstances to suppose that a law and order approach or a control approach can do anything more than avoid coming to grips with the one set of responses that might break the cycle of violence. In other words, there is every reason to suppose that the pool of manpower available for terrorist exploits is sufficient to sustain this kind of strategy for the indefinite future. Furthermore, there is every reason to suppose that the individuals engaged in these acts are sufficiently desperate to remain undeterred by normal threats and sanctions; therefore, it is hopeless to think that international terrorism can be dealt with by negotiating international norms and conventions, and by improving the capacities to apprehend and punish terrorists.

NEED TO ASSESS GRIEVANCES

What I think is needed in the Middle East and in a number of other areas in the world as a complement to the concern for law and order is a concern for assessing the grievances of those groups that resort to terrorism, and an attempt to achieve at least provisional satisfaction of those grievances by means that are available. Such means would include normal diplomatic channels, as well as international forums such as the United Nations.

I believe that in the Middle East there is no question whatsoever that Palestinian self-determination will find a political expression. It is simply a question of how long it takes for the realization to become politically effective. There is no way of handling the problem short of satisfying the grievances that have produced recourse to desperate politics, because I think this situation of desperate politics is not a case of fanatics engaging in senseless and indecent acts. I think

it is often true that the perpetrators of terror are fanatical individuals, perhaps psychologically unstable, but I think it is more to the point to acknowledge that their recourse to desperate politics arises from objective grievances that are widely endorsed by the international community.

TERRORISM AS LAST RESORT

The pursuit of self-determination is one of the most widely endorsed and acknowledged objectives in international society at the present time. However, there are no procedures or means available for the peaceful realization of these objectives, and I think that is a very important aspect of this situation. In other words, those who employ terrorism do so as a last resort in many instances. Therefore, it is in the interests of those who seek to prevent the disruption of international society and to protect innocent bystanders from harm to consider how to satisfy the grievances—as well as how to control the acts—of terrorists.

It seems to me also very important for the moral constraints which are often invoked with respect to international terrorism to be taken seriously with regard to the use of force in general. In that sense I think it very significant that the scope of these hearings has been extended to counterterror as well as terror. It is very unpersuasive to lecture dispossessed people who are militarily weak that they should accord respect to innocent third parties, when governments with great military prowess pursue policies and military strategies without serious regard for innocent bystanders.

CASE OF BRAZIL

In that regard I think the case of Brazil, and in particular the official American attitude toward Brazilian counterterror, is very important. For instance, it is well established that the Brazilian Government has a list of 800 individuals with leftist political identification, and that when a terrorist incident occurs 10 of the people on that list are arbitrarily executed whether or not they had anything to do with the act of terrorism—they may indeed have opposed terror as a strategy.

It is that kind of counter-terrorism and the endorsement of it that erodes those moral constraints which seem to me alone capable of building any kind of powerful consensus to uphold the sanctity of innocent life. The failure to respect civilians in time of war is also relevant here.

It is difficult to exhort liberation groups to respect innocent life when governments themselves engage in indiscriminate bombardment, indiscriminate retaliatory raids and where, for instance, in the Middle East the retaliatory violence of counter-terror causes more civilian deaths than the original terrorist incidents themselves. Such exhortations suggest that the kind of violence governments use is legitimate, however indiscriminate, while the kind of violence used by non-government political actors is illegitimate and indecent. Such an attempt will never be morally persuasive, and will be seen throughout international society as merely an ideological attempt to pursue a conservative set of international political goals.

U.S. APPROACH NEEDS TO BE CHANGED

Therefore, in concluding I would like to emphasize that the official American approach to the issues of international terrorism, self-determination in the Middle East, and human rights throughout international society, has been in recent years extremely ineffectual from a political point of view and quite regressive from a moral point of view. It has not dealt with the possibilities for removing those grievances that prompt recourse to terrorism, it has not taken seriously the kind of commitments to promoting human rights that would lead to an evenhanded view of counter-terrorism as well as terrorism, and it has not sought to establish the kinds of international structures of co-operation in relation to war as well as peace that would rehabilitate the protection of innocent third parties.

I believe that any serious effort to discredit terroristic practices would require a credible demonstration by the leading governments of the world that their own policies are based on a concern and respect for innocent third parties. I think that until that kind of posture is really developed, we will be pursuing this very troublesome and anguished subject of international terrorism with a sense of frustration that need not exist if the more responsive approach were taken.

Thank you.

[The prepared statement of Dr. Falk follows:]

INTERNATIONAL TERRORISM

INTRODUCTORY COMMENTS

Terrorist activity produces widespread revulsion. Therefore, it would seem possible for governments of good will, regardless of other disagreements, to at least band together to condemn, prevent and punish terrorists.

However, even this apparent moral consensus grows intricate on further reflection. It is not so easy to draw boundaries around what is terror and what is not. Often terrorists are glorified as heroes if we endorse their objectives. It is not so long ago that most Americans viewed resistance groups as engaged in heroic struggle. During World War II the United States Government lent its official support to resistance groups in Europe and Asia that often employed terror tactics. It is difficult to draw moral generalizations about terror that stand the test of time or that could even be extended across the board at a given time. Recourse to terror and counter-terror embodies all the ambiguities of political conflict in a world sharply divided on issues of justice and legitimacy.

These ambiguities are peculiarly evident in the Middle East. Do we consider as terror only the violent acts of the Palestinian liberation groups or do we also include the Israeli government's retaliatory violence? Under what circumstances does the exercise of state military power amount to recourse to terror? Do Palestinians have other effective avenues for asserting their claims of national self-determination if they renounce terror as a tactic? Has past Palestinian terror helped or hindered the prospects for national self-determination? Honest and competent observers disagree on all these questions. In other words, it is reasonable, at least, for a Palestinian leader to regard terrorist tactics as necessary and proper, given his objectives, given his perception of justice and the tactics of the other side, and given the absence of evident alternatives of greater effectiveness.

Part of the perplexity of this subject is that it presents no easy answers. The main burden of my statement is that the United States Government has moved toward a "law and order" approach to international terrorism that is both ineffective and indecent if applied uncritically, as it has been, as, in effect, an easy answer. This "law and order" approach has two principal elements: first, it fundamentally excludes counter-terrorism or state terror from the serious gambit of regulatory concern; secondly, it mobilizes resources to deal with the censure, prohibition, prevention, and punishment of terrorist incidents while overlooking the possibilities for confronting the social, political, and economic grievances that provoke political groups to adopt terrorist tactics.

WHY TERRORISM?

There are several factors which have encouraged recourse to terrorist tactics. I shall concentrate on those factors that operate to give these tactics an international dimension. First, a series of historical developments have led aggrieved groups in several parts of the world to become very self-aware and, hence to grow frustrated by their inability to bring about social and political change; recourse to terror may follow upon a sense of acute deprivation coupled with a perception that other approaches to change are futile. Second, some recourse to terrorism has been encouraged by the refusal of governments to allow dissent or peaceful modes of opposition. Third, state military and police power has been frequently and widely used in indiscriminate, brutal, and arbitrary fashion, i.e. there are no generally respected standards of restraint honored by governments in peace or war with respect to the immunity of "innocent bystanders"; the morality of governments which endorses indiscriminate bombardment of civilians is not easily distinguishable from the morality of terrorist groups that refuse to exempt even children from their violent undertakings.

Fourth, the most formidable resource of some political groups arises from their capacity to make people believe that they can periodically spread havoc for the indefinite future; in effect, such terrorist incidents, especially the more extreme ones, transmit a message that unless grievances or demands are taken seriously increasing levels of disruption can be expected, or in any event, that some aggrieved groups are determined not to let their demands be ignored. Fifth, the interdependence of international life, through air travel and transnational political linkages, often means that points of leverage exist far beyond the geographical area of contention; recourse to terrorism by certain Palestinian groups seeks to give the other Arab governments and, especially the United States and European governments, an incentive to take note of and respond seriously to Palestinian claims. Sixth, the role of the media in the formation of world attitudes and policies places a premium on spectacular undertakings that sear the imagination and produce banner headlines; the basic political insight that makes terror tactics effective in some contexts is that hidden beneath the self-righteous denunciations of "senseless violence" by "fanatical elements" lies a level of anxious concern; after spectacular instances of terrorism the leaders of the Palestinian movement suddenly become the object of intense and serious media interest for reasons beyond the cultural fascination with ultra-violence. Statements by political leaders of terrorist groups are widely reported and analyzed; an informal process begins, generally unacknowledged, of searching for ways to weaken the terrorist motivation by meeting some demands and satisfying the most acute grievances. This process is, as I say, unacknowledged because the last thing the potential and actual targets of terrorist activity want to convey is that such tactics can be effective.

In short, terrorist activity is characteristically an expression of political desperation. It often requires the perpetrators, although not necessarily their leaders, to enter situations of great risk and solitude and to take actions that are widely abhorred. Although studies confirm that terrorists often exhibit unstable personality patterns, there is no reason to believe that most perpetrators of terrorist activity are morally deformed or pathological. Rather, their motivations are likely to be fueled by extreme political passions and an honest and, in context, a reasonable belief that nothing else is likely to work. The objective of such terrorist activity is to communicate a message of desperation to those who might have leverage over the situation, as well as to convey a threat of more and worse terror to follow if the message is not heeded.

HOW EFFECTIVE ARE "LAW AND ORDER" APPROACHES?

It is essential to determine whether counter-terror or control activities are effective in deterring international terrorism. Our knowledge here is very fragmentary. There is no doubt that ruthless and large-scale responses to terrorist activity may be effective where a government can control and delimit the territorial field of action. Several Latin American governments, most notably Brazil, have achieved dramatic reductions in terrorist activities by relying on an extreme form of "law and order," including the torture of opponents and extra-legal and arbitrary executions of suspects.

It is difficult, however, to achieve effective results under the kind of circumstances that prevail in the Middle East. For instance, in the Middle East the terrorists seem peculiarly prone to adopt a desperate view of their situation; in addition, they have strong links of support with the Arab masses and with

several Arab governments that provide resources and sanctuary. Furthermore, there are apparently enough Palestinians who sufficiently feel the desperation of their circumstances to provide a sufficient pool of manpower for an indefinite series of terrorist exploits. Finally, the search for leverage encourages tactics that will "shock sensibilities" into responsiveness.

Under these conditions it is exceedingly doubtful that policies against ransom do more than sacrifice the helpless hostages or build credible pretexts for large-scale counter-terror. The Maalot Massacre illustrated this macabre phenomenon. One goal of terrorist activity is salience, and this goal is furthered, not retarded, by demonstrations that a group will stop at nothing to achieve its ends.

On an international level these problems are compounded. National governments hold antagonistic views as to the appropriate resolution of political conflicts which involve terrorist activities. These governments are rarely willing to sacrifice altogether their own views in order to contribute to the overall "law and order" of the international community. There may be a greater willingness to cooperate where terrorist tactics impinge directly upon the reciprocities that underlie specific inter-governmental relationships—for example, the protection of foreign business executives and diplomats, the stability of aviation, and the reliability of the mails. In these contexts mutuality often exists, and most governments seek as much stability as possible. This general preference by governments for stability may lead to the adoption of legal norms and codes of behavior, but these norms and codes are not likely to be implemented when national sympathies and interests seem strongly adverse. For instance, several European governments have been reluctant to prosecute terrorists or keep them long imprisoned because they evidently fear retaliatory acts of terrorism against national property and persons.

Israeli tactics have been premised on a "law and order" approach reinforced by an official insistence on treating the most extreme statements of Palestinian objectives as conclusive evidence of the non-negotiable character of the conflict. This Israeli view of the rigidity of Palestinian demands seems inaccurate, as evidenced by the moderate private and public stances of Yasir Arafat, and it fails to give any consideration to Arab tendencies to use flamboyant rhetoric or to the natural impulse of a dispossessed and defeated people to disguise its behavioral frustration beneath a militant barrage of inflamed words.

I believe that this Israeli tendency to underestimate the possibilities for compromise is directly related to a "law and order" stance. The basic Israeli tactic has been one of crossing international boundaries to mount collective reprisals against Palestinian base area camps and settlements, often inflicting larger numbers of civilian casualties than resulted from the provocative acts of terrorism. Such counter-terror serves a series of purposes. It is designed to weaken the links between the Palestinian masses and the terrorist cadres, to reassure the Israeli population that the Palestinians will suffer at least as much as Israelis every time a terrorist wound is inflicted, and to encourage moderate or "responsible" Arab and Palestinian elements to counsel against terrorist probes, it may also manifest a compulsive set of military actions and reactions that is common whenever a cycle of political violence gains momentum in a conflict between determined rivals.

In any event, the law and order response to the Palestinian challenge is unlikely to succeed unless Israel, with American backing, manages to strike a bargain with Arab governments for withdrawing Arab territory as a base for operations, i.e., making Lebanon and Syria into anti-terrorist enforcement partners in a serious way. It is not clear that the government of Lebanon, even if so inclined, could close off terrorist activity emanating from within its borders. Even then it is likely that the pattern of terrorist activity will shift rather than terminate, and that targets would be geographically dispersed depending on available opportunities. To some extent this has already happened—to wit, Israeli athletes in the 1972 Olympic Games at Munich, American diplomats in the Sudan, passengers on international flights in Rome and Athens.

ARE THERE ALTERNATIVES TO "LAW AND ORDER"?

It is, of course, shouting at the sea to lament the limits of "law and order" if no positive alternatives can be discovered by which to protect the human community against terror. In my view, positive alternatives almost always do exist, although their identification and realization may call for exceptional exercises of political imagination and leadership.

The fundamental political alternative to control is accommodation. If the terrorist activity presents strong objective grounds for rectification and adjustment according to prevailing international criteria of national self-determination or minimum protection of human rights, then a *prima facie* case for accommodation exists. Unfortunately, all too often we find that the stronger the case for accommodation, the more likely it is that incumbent interests opt for a preventive strategy that depends upon an escalating spiral of counter-terror. The colonial and racist states of south Africa provide instructive examples. Existing governments maintain degrees of "law and order," but they do so by brutal and indiscriminate counter-terror that systematically and massively violates international law norms. In this context, the passivity of the international community generates a situation in which the advocates of change and justice are encouraged to adopt the most extremist kinds of tactics. In Brazil, too, the law and order approach skews the entire policy of the government towards its population in highly antidemocratic and repressive directions, i.e. the insistence on control, the rejection of accommodation, sets the entire tone of domestic governance.

It is my view that the Middle East presents a challenge and an opportunity to break the terror cycle at its weakest point by moving cautiously from a control orientation to an accommodation orientation. In effect, what is required on all sides is an insistence on compromise, premised on the understanding that the Palestinians do have a genuine, substantial grievance that deserves constructive resolution in the form of national self-determination. A first step would be to strengthen the consensus behind this assertion, especially by making it an operative premise of settlement negotiations. It is here that the United States Government could pursue a more constructive course. The U.S. does have leverage over Israel which, if exerted, could in turn generate leverage over the Arab governments and the Palestinians themselves. A scenario of accommodation could begin to seem plausible. Not all elements in the Palestinian movement would accept such a shift, at least not initially. Some groups might regard the new show of concern and moderation as "a trick" designed to demoralize the most militant Palestinians. But if a process of accommodation began to bear fruit, such reluctance would seem less and less credible, and might virtually disappear.

Of course, accommodation is also not an easy path. It might collapse in the face of unwillingness to reach an eventual compromise, or in the case that one or both sides appeared to prefer desperate struggle to renouncing or even seriously qualifying a position it deemed to be sacred or vital.

The main assertion here is that we have been unimaginative about exploring prospects for accommodation in the Middle East and elsewhere. It is the unimaginativeness that is characteristic of any purely "law and order" approach to crime. If it works very well then the whole community finds itself regimented; if it fails, then nothing is accomplished beyond intensifying the cycle of violence. I am arguing, above all, that the anguishing challenge presented by political terrorism should generate a search for solutions to the underlying social grievances, not merely a security strategy designed to contain and crush the aggrieved.

UNITED STATES POLICY APPRAISED

The United States Government has led the international fight to combat international terrorism. It has proposed treaties, backed conferences, encouraged active United Nations initiatives, and called for greater intergovernmental cooperation. Such a leadership role is to be expected. The American business and diplomatic presence is spread across the globe. The United States often sustains "the enemy" of the political group that resorts to terrorism. Anti-American sentiment is widespread among the discontented and, hence, anti-American terrorism makes political and ideological sense. For these reasons, Americans and American interests are a favorite target for terrorists.

In addition, American diplomatic leverage is often a critical factor in achieving social and political change in the world today. For instance, if the movement for Palestinian self-determination can convince policy-makers in Washington of the merits and potency of its claims, then Washington may be prompted to exert influence on Israeli policy-makers. The continuing prospect of spectacular terrorist activities throughout international society is one aspect of what makes the Palestinian case likely to prevail. I would stress that it is only one aspect, but it may be a critical one, without which other governments like our own would remain uninvolved.

In the most authoritative recent statement on U.S. official thinking, that of Ambassador Lewis Hoffacker ("The U.S. Government Response to Terrorism:

A Global Approach," Dept. of State Bulletin, March 18, 1974, pp. 274-8) who is Special Assistant to the Secretary of State and Coordinator for Combating Terrorism, there is an unmistakable commitment to what I have been describing as a "law and order" or "control" approach to the challenge posed by international terrorism. Ambassador Hoffacker does defer rhetorically to the possibility of some form of accommodation. He writes toward the end of his statement that "As we seek to defend ourselves against this viciousness, we are not unmindful of the motivation inspiring the frustrated political terrorist who feels he has no other way to deal with his grievances than by terrorist action."

He adds, "As ways are found to convince him to reason otherwise, he must be made to understand now that it is unprofitable for him to attack innocent bystanders." [p. 278]. Ambassador Hoffacker concludes that "There is no reason why protection" against terrorism "need necessarily conflict with other human rights such as self-determination and individual liberty." [p. 278]. What Ambassador Hoffacker appears to be saying is that we should be able to deter terrorism without necessarily foreclosing the attainment of the political objective that inspires recourse to terror, and that a deterrence strategy need not entail generalized repression.

I consider Ambassador Hoffacker's statement significant because it is an accurate presentation of official views and because it implies several lines of dubious reasoning. First of all, it seems to argue that terrorists can be deterred by the prospect of apprehension and punishment; such deterrence may work in some contexts where the motivation of the terrorist is commercial or where the political roots of the terrorist's grievance are not deep. But if the terrorist is enacting the politics of desperation, efforts to deter are unlikely to be effective. Second, there is the more insidious suggestion by Ambassador Hoffacker that the renunciation of terrorism might bring about satisfaction of grievances; here, the evidence is the other way—the quieter and more restrained the opposition, the more likely it is that the status quo will persist.

Third, Ambassador Hoffacker suggests that it is not necessary to interfere with individual liberties to mount an effective campaign against terrorism. However, the accuracy of this assertion of course depends on the context, especially on whether terrorists are espousing grievances widely shared by the public as a whole. In Brazil, for instance, the overall repression of opposition is connected with the struggle to combat terrorism; hence, individual liberties are completely trampled upon in the name of "law and order" invoked to combat the terrorist threats.

The basic criticism of Ambassador Hoffacker's policy statement is that it fails to develop a credible case, nor could one be made, for a law and order approach. Indeed, the United States Government has been instrumental in helping numerous regimes around the world defeat movements for national self-determination, and has consequently supported governments which repressed the liberties of their own populations. In essence, I contend that unless some basic foreign policy postures are changed, there is virtually no way to reconcile the goals of preventing terrorism and satisfying the legitimated grievances of the terrorist. In truth, our policies have often sought to prevent satisfaction of the grievances, as well as to combat terrorism. Only when we could not quell terrorism, as in the Middle East, have we been drawn reluctantly to the need to seek some pathway toward reconciliation.

CONSTRUCTIVE STEPS

There are a series of positive steps that could be taken at this point:

- (1) Develop a clearer understanding of the links between political terror and the politics of desperation;
- (2) Evaluate the merits of grievances held by terror-prone political groups on a case by case basis;
- (3) Consider whether a grievance should be satisfied even if the threat of terror didn't exist;
- (4) Protect "innocent bystanders" from state action as well as from the efforts of militant change-oriented groups;
- (5) Seek international cooperation to promote satisfaction of grievances as well as to combat terrorism;
- (6) Evolve specific structures of international cooperation to safeguard specific subject-matter from terrorism (e.g. mails, aviation, diplomatic protection);
- (7) Establish an international criminal court to handle prosecution of "terrorists" and "counter-terrorists" (i.e. make the process of combatting international terrorism more of a global responsibility);

(8) Strengthen procedures for presenting grievances before international forums;

(9) Encourage the realization that if an unsatisfied grievance is likely to generate international terror, then that particular grievance is increasingly a matter of international concern;

(10) Balance the effort to combat terrorism with the effort to secure human rights, including the right to express political dissent and engage in political activities.

CONCLUSION

These ten points seek to reorient official thinking about how to deal with the challenge of international terrorism. I am not arguing against the responsibility of the Government to protect American citizens and others from terrorists, but only that this responsibility could be more humanely and effectively discharged if reinforced by a stronger commitment to social and political justice for aggrieved groups. I would stress again that there are no easy answers or quick fixes for the challenge to order and justice posed by recourse to desperate politics, but that it is possible and necessary to do better.

One way to do better is to drop rigid postures such as the present "no ransom" stand of the U.S. Government. There is no reason to sacrifice an innocent hostage on occasions where there is no basis to believe that his sacrifice will discourage further terrorism. As I have indicated, there are instances where the death of the hostages actually serves the interests of the terrorist group better than would receipt of the ransom demanded (release of prisoners, money, etc.). This point holds true when the main terrorist objective is to convince the leadership of the world that its refusal to heed fundamental grievances will stimulate victimized groups to engage in the politics of desperation, including whatever form of international terrorism seems likely to exert maximum pressure on those who have power or influence to induce a settlement.

DOES TERRORISM PAY OFF

Mr. HAMILTON. Thank you very much, gentlemen.

I note both of you seemed to think that terrorism has paid off for the terrorists so far in the Middle East.

Mr. FALK. In the Middle East, yes.

Mr. HAMILTON. Is that a general rule so far as terrorism is concerned?

Mr. FALK. I suspect we might have somewhat different answers. Let me give a response first.

I think that in situations where terrorists enjoy this double link to a mass support and to influential governments, and where they are so desperate to achieve their ends that they will sacrifice their lives in the course of their terroristic exploits, terrorists are very likely to be effective. If their objective is to get their claims on the political agenda, then I think they are effective. They are not necessarily effective in fulfilling their full objectives, terrorism may still be more effective than the alternative means at their disposal. That is part of the analysis that would have to be made.

SOME REASONABLENESS OF ACT NEEDED

Mr. LOCKWOOD. It is a difficult question. It seems to me in examining international terrorism that for the tactic to be successful there has to be some reasonableness to the act. It may appear to be irrational but let me try to explain that. It strikes me that the main area where we have had international terrorism toward third parties has been the Middle East situation. There is a concerted effort toward hijackings in various third countries. This is the principal terrorist incident in the international sphere.

Now I think one explanation of that is that there was the focus of the international community—namely, the United Nations—where the Palestinians question is focused through the United Nations involvement in the refugee camps and where the overall questions of the Middle East dispute has been a forum. If you perceived these as essentially acts of communication, as distinct from military tactics, they have to be communicated to a forum that could reasonably be expected to consider them. Now in situations where the United Nations has not been involved, such as in Uruguay and in Ireland, or in most of the Latin American area where you have incidences of terrorism, I think this may explain why they have not resorted by and large to extending the "conflict" to states other than where the conflict is centered.

Now in the Latin American situation we have seen a number of kidnappings of third-party nationals; nevertheless, even in these situations we see a certain reasonableness standard at work. Why kidnap an American businessman rather than a tourist from Uganda, and it seems to me rather obvious that you do it because it is a symbolic act. Not only is it likely that you may get a large ransom demand, but in terms of the populace that you are attempting to gain the support of, the American businessman may well have an image there of being the exploiter, and the imperialist. Because the United States, through its governmental and business policies, is seen to be supportive of the governments against whom the aggrieved parties are fighting, American citizens are seen to be acceptable targets. Their kidnapping may cause the United States to reevaluate its policies.

What I am suggesting is that unless there is the quality of some reasonableness of the target, whether we perceive it to be just or not, then terrorism would not be successful in gaining the support for the cause that the particular terrorist group is seeking.

U.S. POLICY OF TERRORISM

Mr. HAMILTON. You seem to have a rather different approach as expressed by Ambassador Hoffacker in the U.S. policy toward terrorism which is a very firm, tough stand—don't pay the ransom, don't give in, no flexibility, tough-it-out type of approach—and the approach that many American companies are using: Pay the ransom. Don't ask questions, pay the money.

How do you feel about the American policy and do you think that the American companies are right or wrong in their approach?

Mr. FALK. Well, I devote a few pages of my prepared statement to a discussion of Ambassador Hoffacker's statement, with which I disagree because I think it is too rigid and does not sufficiently assess the particular context in which the terrorism is occurring. Some cases, especially those dealing with monetary ransom, are not even necessarily political; a lot of the Latin American kidnappings are motivated really by either mercenary motives or partly mercenary motives.

SHOULD COMPANIES PAY RANSOM

Mr. HAMILTON. Do you approve or disapprove of the payments by the companies?

Mr. FALK. I think it is very difficult to disapprove of at least the human motivation to rescue particular individuals who are caught in that situation, particularly when I don't think there is any clear indication that if you sacrificed those individuals you would be helping to cut down this activity. I think the no ransom policy is basically a policy in the blind. In effect, we don't have real evidence that that deterrence works.

My argument is that in some contexts—for instance, in the Middle East—from the terrorist point of view it is almost preferable not to get the ransom paid. The terrorists' main objective is to achieve a spectacular exploit and their interest is in getting on to the political agenda. If you notice, after the Maalot massacre the news media of the world suddenly took the Palestinian leadership very seriously. Even Hawatmeh, the leader of the splinter group that took responsibility for Maalot, was interviewed at great length over worldwide television and it gave him an opportunity he had never had before to tell his story.

ISRAELI DECISION AT MAALOT

Mr. HAMILTON. Well, in dealing with the problem of terrorism in that specific instance in Israel, did the Israeli Government make a mistake or not in deciding to go in to get the children at Maalot? You know they had a debate about it themselves.

Mr. FALK. I think the facts are very murky still as to what happened and how the children were killed and what the understandings were between the terrorists.

Mr. HAMILTON. Was it your feeling they made a mistake or not?

Mr. FALK. Yes; I feel it was a mistake.

Mr. HAMILTON. Do you agree with that, Mr. Lockwood?

Mr. WILSON. You agree that the Arabs shot the children?

Mr. LOCKWOOD. I agree that this has been the prevailing presentation but I am not absolutely sure.

Mr. FALK. There is a dispute as to how the children were killed.

Mr. WILSON. You think the Israelis shot them?

DEBATE IN ISRAEL

Mr. FALK. No; I think some of them may have been shot in the course of coming into the building. A very complicated debate within Israel has to be taken into account here, concerning the view that Palestinian self-determination must be repudiated all together and that one of the ways of doing so is to present the pursuit of the Palestinian cause in its most extreme statements of what the Palestinians are seeking. As anyone that has followed these issues at all knows, there is a tremendous debate going on as to whether the Palestinians should go to Geneva, and if they go to Geneva what they should settle for.

Some of this Palestinian terror is directed against the Palestinians, it is directed against those portions of the Palestinian movement that want to go to Geneva and negotiate for something less than a full realization of Palestinian self-determination as it was earlier conceived.

DISAPPROVAL OF ISRAELI ACTION

Mr. HAMILTON. I just want to get your opinions on the table here on these two instances. You expressed disapproval in the Israeli action in that particular instance in going into the school.

Do you approve or disapprove the Israeli action in that instance?

Mr. LOCKWOOD. On the basis of what I know, I would disapprove, but it is cloudy because we don't know what the letters said, they disappeared—the communications that were transmitted.

Mr. HAMILTON. Why do you disapprove?

Mr. LOCKWOOD. Well, we know the French Ambassador arrived an hour before the deadline and he was not allowed to go in. We also know that the letters from the guerrillas have been kept secret. My first concern would be to protect the innocent children and bring them out. Supposedly the Israeli cabinet had made that decision and I would agree with it. It was a very agonizing circumstance, but I am not convinced from the record that this tragedy could not have been prevented.

As Professor Falk has indicated, I would think from the statements of the Syrian leader of the Palestinian splinter group that that act was directed toward subterfuging the talks between Syria and Israel. They wanted to achieve something spectacular, something that would paralyze the Israeli Government and the Syrian Government so that that critical step toward Geneva was missed. I think it is commendable that the Syrian and the Israeli Governments did not allow that incident to frustrate their efforts toward peace.

SHOULD COMPANIES PAY RANSOM?

Mr. HAMILTON. If you were advising the American companies, would you advise them to pay or not to pay the ransom?

Mr. LOCKWOOD. Here is the difficulty with that either-or choice—if I may illustrate with a specific instance, namely, the Samuelson incident. This incident points up the validity of what Professor Falk has been saying, that you have to consider these on an ad hoc basis. Now an executive I talked with—

Mr. HAMILTON. Which is the criticism of American policy.

Mr. LOCKWOOD. Yes; what you are getting at is the justification for the American position of deterrence, that this will serve as a prophylactic measure; if you do not pay ransom, you will deter further kidnappings.

Now the American company official that I talked with that was involved in the negotiations on the Samuelson matter said that Samuelson was taken because he was the head of a department where they had a particular incident where some of the guerrillas had attempted to rob and had been killed in the doorway of this particular department. They decided to get one act of retaliation against the person who was in charge of that department, and Samuelson's name was on the list as being the head of that department (apparently the list was dated so that Samuelson in fact was not the head of the department).

Now if that is the case, as he related it to me, then it seems to me to justify their paying the ransom even within the context of the U.S. rationale for a no-ransom policy; because if they had not paid it

there would not have been a question of deterrence because this was a one-for-one thing; it was not an overall strategy against the American company, it was for a particular incident. That is why I think that while we may pronounce that we are going to have a no-ransom policy that we should show some flexibility. Fortunately, we have not had foreign officials kidnaped within the United States, and therefore we have not had to confront that agonizing situation yet; perhaps when the reality of such a situation is in front of us, we may show more flexibility.

DEALING WITH RANSOM ISSUE

Mr. HAMILTON. Dr. Falk, do you think we ought to deal with these ransom cases on an ad hoc basis?

Mr. FALK. Yes. I feel if there is one sort of truth in this very tortured and complex area it is that the characteristics of terror vary from context to context and that things that seem sensible and desirable in one setting have quite the opposite effects in another setting. Now I understand the motivation for the American official policy because it is, of course, trying to create the impression that if the objective is to get money this kind of kidnaping is futile.

One of the problems is that the objective is not always to get money. As Professor Lockwood indicated in the Samuelson context, even with the kidnaping of a business executive the objective may be other than to get money, and therefore it does not make sense to sacrifice that individual to some sort of abstract policy when the policy does not really help prevent future instances of kidnaping. Therefore, I would recommend both to the State Department and to the companies that at most they should have what amounts to a presumption against paying ransom but that each instance should be examined individually.

Mr. LOCKWOOD. I would like to add one comment and that is that Ambassador Hoffacker in a number of conversations has struck me as a very responsible person and governmental official and certainly open to all sorts of views. I think that if he found empirically that his no-ransom policy was in effect fallacious that he would change it and urge a change in the U.S. policy but I think that it is his considered opinion at this point that there is validity to that position.

Mr. HAMILTON. Mr. Gilman.

POLICY OF SATISFYING GRIEVANCES

Mr. GILMAN. Thank you, Mr. Chairman.

Gentlemen, the main thrust of your joint statement seems to be that we should examine more closely the reasons for the terrorism and to try to satisfy some of these grievances, perhaps change our foreign policy in some instances. Is my understanding of the statements correct?

Mr. LOCKWOOD. Yes.

CRIMINAL ACT INVOLVED

Mr. GILMAN. We are studying criminal acts against society, against individuals. In studying claims and in dealing with crimes and persons dealing in acts against society, shouldn't our first objective be to find the crime and mete out the punishment in order to deter fur-

ther crimes? I think that somewhere along the line the premise here seems to be avoiding the basic objective of trying to prevent further crimes.

You have been highlighting the Palestinian problem and yet terrorism has been going on over the past century as evidenced by the six prior conventions that we held on terrorism without too much progress having been made. There has been terrorism in almost every part of the world, and it is not just the Middle East that we are talking about. We are talking about terrorism today in Argentina, terrorism in Cuba, terrorism in the Symbionese liberation movement in our own country in recent months. We are talking about terrorism in Japan, we are talking about terrorism as generated by the Soviet Union in those areas set forth yesterday at our hearing. This is a worldwide problem. Just merely adjusting the grievances is not going to satisfy the problem. It seems to me we must take on much more effective steps than merely adjusting the grievances or changing our foreign policy to meet the aims of the terrorists.

Mr. LOCKWOOD. If I may suggest how I attempt to approach the problem of terrorism, and that is, as you so rightly suggest with a historical foundation. Were we are talking 200 years ago at a legislative hearing in our own country, the fact is that we may well have been talking about how we control the activities of Samuel Adams and George Washington and Thomas Jefferson and Patrick Henry and what to us may well have been the forms of violence they resorted to in their quest for self-determination. It seems to me that there is a symmetry in many of the activities today on the African continent and many of the ideals which are held by these guerrilla groups are similar to those that were held by the founders of our own country.

SLA AND AMERICAN HISTORY

Mr. GILMAN. Dr. Lockwood, if I might interrupt you, are you attempting to draw a similarity between the Symbionese and John Adams?

Mr. LOCKWOOD. Let me strongly state why I am distinguishing the two now and why we are attempting to approach it from the human rights perspective. There is no justification within the United States for acts of terrorism. The reason that the SLA will not get support in the United States is that we have so many other channels for people to pursue human rights deprivations or grievances. I absolutely condemn terrorist acts within the United States irrespective of what the motives may be.

In the SLA case I am not even sure what the motives are; it is terribly confused and unclear. However, if we are talking about a situation where you have a repressive government and you have no alternative means of redressing legitimate grievances, the grievances that may well be spelled out in the United Nations Human Rights Conventions, that may well be spelled out in our Declaration of Independence and the U.S. Constitution, many of which we so firmly revere, then I think it is a qualitatively different question.

JUSTIFICATION TO VIOLENCE

What we have to ask is if there is a justification to violence, and then what we try to do is to protect innocent persons from becoming victims of that violence. For a black South African, who by law has no legitimate participation in the decisionmaking of his country, to direct violence against the enforcers of apartheid, may well be justified. It is certainly qualitatively different from the SLA's resort to violence within the United States. However, there are limits to the resort to violence even where a cause may offer justification. One example would be exporting your violence to countries and nationals not directly involved in the particular dispute. For example, if the black South African were protesting his government's policies, it would not be legitimate to hijack an American airliner in Greece. The U.S. draft convention on terrorism attempted to draw similar distinctions.

The draft convention attempted to avoid situations involving self-determination areas. I think it was a responsible and a good attempt by the Government to accommodate these legitimate concerns while at the same time attempting to protect innocent victims. I disagree with the draft convention as I indicated in my statement. If we really want to get through convention now on individual terrorism, I think that my approach is about the only way one is going to get through the United Nations.

I will stop there.

Mr. FALK. Let me just add one thing to what Professor Lockwood said.

VIOLENCE AGAINST THIRD PARTIES A CRIME

I think that we start from a premise that is really very widely shared, that one seeks to do what is possible to deal with international crime and that we would regard violence against third parties as an example of crime. I think that it is important to add that this is an insufficient approach to these problems. It has been demonstrated as being insufficient and there are viable alternatives that seem to me to be both constructive and more likely to succeed, particularly in those instances where terrorism is prompted by grievances that are justifiable by prevailing standards of international law and international morality, so that one does not have a clear concept of crime. It is a rather confused concept in international society. It is not nearly as self-evident as it is in domestic society and the institutions for social change don't exist in international society.

So first, it seems that the acts we are concerned with here occur in a different kind of setting and therefore it is neither effective nor in my view is it desirable to just rely simply on law and order. We can do better than that and we have not been doing better than that. The point of view that I think we are trying to articulate is partly a matter of how do you understand this very complicated, troublesome phenomena and second, how do you assess the official American response to it?

I think that on both levels we can proceed more constructively, more effectively in certain instances. I think Latin America is one of the primary examples of ignoring legitimate grievances. Even if you are successful in dealing with the terror, you end up with a highly repressive society and it is questionable whether it is worth that price to get law and order in some of these situations where gross injustice does exist.

ATTACKING CRIME SOURCES AND GRIEVANCES

Mr. GILMAN. Well, I think we all recognize that with law and order goes a continuing obligation to try to route out the causes of the crime and to eradicate the causes of the crime, but in doing the eradication or in seeking the routes of the crime we certainly do not neglect the need for punishment of the crime and this is where I take issue with you gentlemen. You seem to be placing the cart before the horse and saying since we cannot agree internationally, then let's concentrate more on the grievances than on the crime. I think there is something a little bit wrong with the priority in that statement.

Mr. FALK. I am asking the question, What do you have to do to get rid of this kind of criminal activity? What I am trying to argue is that it does maybe give you some satisfaction but very little in the way of results to merely enact legislation and evolve procedures for dealing with the perpetrators of terrorism. That won't get at the roots of this kind of activity because you are not dealing with a normal, rational phenomenon that is capable of being deterred. Law and order does not work when you are dealing with politics and desperation, and unless that insight is realized and really incorporated into policy, the whole endeavor is rather futile.

TAKING EVEN-HANDED APPROACH ON LAW

Mr. LOCKWOOD. I think my position has been misrepresented. As I perceive my position I am a law-and-order person. What I am arguing is that we take an evenhanded stand on law and order. As indicated in the U.S. position, there are existing laws regarding state violence against its nationals and non-nationals, including such things as torture and genocide. We have all sorts of human rights conventions. I don't think that we can allow individual terrorism but I am also saying we must be evenhanded in our pursuit and go after state terrorism. To most countries individual terrorism is a nonproblem.

Now if you were a representative of one of the African countries at the United Nations and you saw all this concern over individual terrorism, you would be somewhat suspect because the question of state terrorism, which is so pervasive over the world in these repressive societies, is a very long nightmare for many, many people of the world—many more than are affected by individual terrorism.

Start obeying the laws and enforcing the laws. We have all these laws regarding the state's recourse to violence against its own nationals and other nationals. If the United States would pursue these either through quiet diplomacy or through concerted efforts in the international community, then I think that the likelihood of the U.N. also achieving a curbing of individual terrorism would be greatly enhanced.

Mr. GILMAN. Thank you.

Mr. HAMILTON. Mr. Fountain.

WHAT SHOULD UNITED STATES DO

Mr. FOUNTAIN. Thank you, Mr. Chairman.

I am impressed, Professor Falk, with your 10 point program. I think there is merit in all of it and the tenth one is what both of you have been saying in effect: Balance the efforts to combat terrorism with the effort to secure human rights, including the right to express political dissent and engage in political activities.

There is merit in that and I think the efforts in that direction I would quite agree had not been done either by us or by any of the nations of the Middle East, especially Egypt.

In the meantime what basically can we do and what should we in America do? What should our country do?

Mr. FALK. Well, you mean with respect to the Middle East in particular?

Mr. FOUNTAIN. Terrorism in the Middle East. I think it is a domestic problem primarily within the country. I think there are a lot of things we can do that we are not doing in the Middle East. There is terrorism throughout the world; we have it here in this country, but I think that is where our basic problem is right now.

NEED TO SEE TERROR GLOBALLY

Mr. FALK. Yes, although I think that the Irish problems have some potential for becoming internationalized even beyond what they presently are. I would not want to leave the impression that our only serious concern lies in the Middle East problems or even in Latin America. I do think there is a wider set of issues and they are also likely to be raised at some point, I would suspect, by the southern African problems.

Mr. FOUNTAIN. It could be even worse.

Mr. FALK. It could be even worse and one has many of the same dynamics there, where a lot of people who are excluded from their homelands are living in exile communities with a large base of mass support and strong institutional links to friendly governments. So I think that it is a more general problem, and the general nature of the problem does affect my answer to the specific question about the Middle East. I do believe that the most important thing is to really try to evaluate the merits of the grievance, to decide whether there really is an underlying grievance which deserves to be satisfied to one degree or another.

U.S. SUPPORT IN U.N. FOR PALESTINIANS

Mr. FOUNTAIN. You know we supported the resolution in the United Nations calling for adequate compensation to the Palestinian refugees and their opportunity to return.

Mr. FALK. Yes, but I am not sure what the dynamics of our support were for that, whether that was just rhetoric or whether we really meant it in some significant sense. I am not sure that is a sufficient satisfaction of the grievance. The great opportunity that exists in the Middle East today is that there is a moderate consensus within the Palestinian Liberation Organization for the coexistence of a Palestinian and an Israeli state within the area, and it is support for that kind of solution that satisfies the extremists on neither side.

It is obvious they will reach a compromise solution but will it be the sort of compromise that solves the basic root causes of the problem? Because the problem is not treated, we presently see the sort of desperate tactics that are embodied in recourse to widespread international terrorism of such a horrible character.

I think Professor Lockwood put it well that we are at a kind of cross-roads in the Middle East where the situation is going to get a lot better or a lot worse. If the process of negotiation and settlement is only an intergovernmental phenomenon and seems to neglect the Palestinian issue substantially, and if the hard line prevails in Israel and we allow it to prevail or we don't exert leverage against it, then I think we are sowing the seeds for escalating terrorism in that area borne out of deeper frustration and a deeper sense of desperation. Of course a million and a half or more Palestinians have been betrayed even by the Arab governments as well as by the superpowers and by Israel.

ROLE OF THE MEDIA

Mr. FOUNTAIN. What about the media? Do you think if the media simply ignored this terrorism that would have responsible impact? You know the publicity that is given this sort of thing, and as you say, some got attention that they had never gotten before, worldwide attention.

Mr. FALK. I think it is easier to solve the grievance than it is to eliminate the media. You see, it is such a spectacular occurrence.

Mr. FOUNTAIN. You say it is easier to solve the grievance than eliminate the media. I wouldn't advocate that. In fact, if I had to vote for a choice between freedom of the press and Government itself, I'd have a problem.

Mr. FALK. Well, what I meant was that it is probably a less hopeless undertaking to come to terms with the conflicts and disputes that exist in various parts of the world than it is to suppose that one can in this highly media-conscious world avoid giving attention to these kinds of occurrences. I just don't see any way that one could do it, particularly the portions of the world that are sympathetic.

Remember that the majority of international society is sympathetic to the Palestinian self-determination claims, although not too sympathetic with the terrorist tactics, so there is no incentive not to give a lot of attention to this. Also, in democratic societies it is almost impossible to condition how events are reported. You can counsel certain kinds of prudence, but such counsel is not very likely to be very effective; there is just too much interest.

TERRORISTS OFTEN BECOME HEROES

This is just the sort of event that arouses very intense and widespread concern and interest or disapproval, and it is one of those events where the perpetrators of terror are viewed as villains in some portions of international society and as heroes in other portions of international society. As you know, the terrorists who acted at Munich in the Olympic Games were given heroes' burials back in Libya. That is a fact.

One may dislike it and deplore it but it is a fact of international life that one can't do much about. I think that is why both of us have

tried to concentrate on where there is some room for making constructive changes in the sorts of responses that have been characteristic. I think I would want to say, in fact, that there has been a sterility in the characteristic official response of merely deploring and then seeking new norms which are not going to be effective.

The making of law does not mean that you get a more lawful society. If you have no way of implementing the legal norms or procedures, it almost is a distraction from the social and political challenge to erect a kind of legal edifice that can't be brought to bear on the behavior one is trying to control.

OBSTACLE TO PEACE

Mr. FOUNTAIN. I am concerned about the situation as it interferes with the reaching of a settlement in the Middle East. I think the feeling is so deep in that area and has been for so long. I understand the feelings of many of the Palestinians are that regardless of what the nations do, you are still going to have terrorism to some extent.

Mr. FALK. Yes.

Mr. FOUNTAIN. I don't think you are ever going to be able to completely satisfy all of the people so that you won't have individual situations, but I am wondering if the elimination of a lot of excessive publicity and putting into effect some of the suggestions that both of you recommend, if that might be a means of reducing the amount of terror so that the nations could really enforce an agreement between themselves. I think the situation is now such that, regardless of what kind of an agreement they enter into at some point along the way, there will be sabotage by terrorism, by guerrilla activities.

SATISFYING PALESTINIAN MAJORITY

Mr. FALK. I think there would be an attempt to sabotage. I think if there were a real movement in the direction of creating a West Bank state of Palestine, this would satisfy the main influential portions of the Palestinian liberation movement and that it would itself try to discipline its own extremist factions. One of the troubles we are trying to play down is the publicity, and that is what these terrorist groups are after; it creates some kind of incentive then to go off after something even more spectacular; it ups the ante for how you break into world public consciousness.

I think the real answer here really has to be to get at the roots of the grievance in this context, that there is just no hope—and that is not completely sentimental—to bring peace to the area unless one finds an overall settlement and takes into account the great instances of sufferings of Palestinians as well as others.

Mr. FOUNTAIN. And consistent with that, I guess the argument could be made that without publicity you would not have the incentive on the part of many to attempt to solve the problem.

Mr. FALK. Yes; I am afraid that is the other side.

Mr. FOUNTAIN. Thank you, Mr. Chairman.

Mr. HAMILTON. You emphasize so heavily the aspect of dealing with the social grievances that underline the terrorism, but I think that you

also would believe that if the terrorists were apprehended they should be brought to trial and punished if found guilty as quickly as possible.

Mr. LOCKWOOD. Yes, sir.

WHAT SHOULD ISRAELIS DO?

Mr. HAMILTON. What kind of action would you recommend that the Israeli Government take with regard to the terrorists from Lebanon?

Mr. FALK. If I understand your question, Mr. Chairman, it is what kind of general policy on retaliatory—

Mr. HAMILTON. What would you recommend that they do? These Palestinian terrorists are coming across from Lebanon on a fairly regular basis and the Israeli policy is obvious; that is, to hit them harder basically.

Mr. FALK. Yes.

Mr. HAMILTON. Is that the right policy or what would you recommend that they do?

Mr. FALK. I would recommend first of all dividing the problem into the problem of control and the problem of reconciliation or accommodation. I think the first part of the problem, the problem of control, is for the Israelis to protect their own population to the extent that they can, protect the border to the extent that they can, apprehend to the extent that they can, and punish to the extent that they can.

In the event of large-scale terrorist incidents, I think that they are probably justified—though I am not sure it is very effective—to engage in retaliatory violence against military targets. Part of the Israeli problem is that there are not genuine military targets in this kind of conflict, so therefore, they are forced to attack civilians as well. I think this is what makes it such a bewildering context. The acts of retaliation inflame the other side, but have virtually no effect on the capabilities to engage in subsequent terrorist actions, so that those means do not seem to me to constitute a very effective form of law and order.

One of the important considerations undoubtedly is domestic public opinion within Israel. I think the Government feels it has to demonstrate to its own population that if it suffers from terrorist actions, the Palestinians and the Arabs are going to suffer even more.

DOES RETALIATION CURB TERRORISM?

Mr. HAMILTON. We assume, of course, that they want to stop the acts of terrorism. Are you suggesting that by retaliation they are not stopping those acts of terrorism but they are increasing the likelihood of further terrorism?

Mr. FALK. Yes.

Mr. HAMILTON. Now suppose they did not retaliate? Would they be better off so far as stopping future acts of terrorism?

Mr. FALK. I think they would be better off if they moved also from what I call the level of accommodation, if they moved toward trying to see whether it was possible to work out an arrangement with this mainstream Palestinian opinion which would seem to me from my study of the subject to accept a compromise solution at this point. That would not impair the integrity or security of the present state of Israel; certainly it would not impair it beyond its present circumstances.

HOW ISRAELIS SHOULD RESPOND

Mr. HAMILTON. Dr. Lockwood, do you want to comment on the general problem of how you would think the Israelis ought to respond to acts of terrorism?

Mr. LOCKWOOD. Yes. I think that the end of my paper is sort of my prescription if I were advising the Israeli Government. To sort of summarize, I think you start with the proposition that terrorism is quintessentially political, that that would have to decide what factors you were going to put in the equation to determine what your response would be.

Now if I were simply someone that wanted to eliminate the problem of Palestinian terrorism in Israel and if that were the only thing to consider, then complete accommodation to the Palestinian demands would stop terrorism; but it is obviously more complicated than that. If I were advising the Israeli Government, it seems to me I would be moving in the direction that Secretary Kissinger and President Nixon seem to be moving in today, that it is in their interest to move toward Geneva.

TERRORISM AT IMPORTANT POINT

That is why I suggested that we are at the threshold point, that it is either going to be a significant escalation or a significant de-escalation and that the time is propitious to arrive at some kind of political settlement at Geneva of the overall Palestinian question. You have to give the Palestinians a voice in that. That seems to me to be a prescription for the de-escalation of terrorist acts of violence.

I am not an expert on the Middle East. I am attempting to be pragmatic in terms of eliminating terrorism. One cornerstone of such a policy would be to isolate those individuals in the leadership of the guerrilla movement that are prone toward violence. Now that seems to be what the United States is doing; you promote the moderates, and you can only promote the moderates by showing them that there is a political channel toward settlement.

Now what you try to do is you try to get some kind of consensus toward what would be an equitable solution. Now that is pregnant with value judgments because what is equitable to perhaps the Egyptian Government, the Syrian Government and the Israeli and the United States Governments may not be perceived to be equitable to the Palestinians. I think that you isolate the violence-prone leaders if you can appeal to that moderate Palestinian group in its demands by reaching some kind of consensus at the peace table on the efforts by the Palestinians and by the Arab governments. As I suggested before, a number of the acts of terrorism are directed not against the Israelis but against the Arab governments.

IS RETALIATION A MISTAKE?

Mr. HAMILTON. Do you think they make a mistake when they retaliate so strongly?

Mr. LOCKWOOD. This is again the agonizing dilemma that the Israelis are in. As Professor Falk suggested, you are bombing refugee camps. When you drop the bomb it may be difficult for many of us to identify that with the terrorist with a machinegun in his right hand; but the consequence is the same. You are killing women and children and you are destroying the homes of these people. This breeds a further hatred

and discontent and only adds to the support of the cycle of violence.

Mr. HAMILTON. So they are making a mistake?

Mr. LOCKWOOD. I think they are making a mistake. I could be perhaps persuaded differently in a particular circumstance. However, I think the greatest tribute to the Israelis in terms of a response to Maalot was not that they went and bombed the refugee camps, but that they moved toward a settlement with Syria. That defeated the Palestinian guerrillas who sought to subterfuge the peace initiative.

Mr. HAMILTON. Mr. Bingham.

TROUBLED BY STATEMENTS

Mr. BINGHAM. Thank you.

I am sorry that I missed some of the discussion.

I am troubled to some extent by both of these papers. I think one thing that I find missing in your presentation, Dr. Falk, is the kind of indignation against the killing of innocent people that I recall you expressing very vividly in connection with Vietnam. I don't find a distinction between violence on the one hand directed at the opposition, and terrorism which I would define as trying to use innocent people in a way to influence the political situation. I don't find the kinds of distinction between types of terrorism that it would seem to me scholarly analysis ought to provide.

There is a distinction between aiming it at an official of the opposing government and aiming at a child in a school or at someone entirely disconnected. It seems to me that you don't quite sufficiently recognize that frequently what terrorism represents is the tyranny of the minority and maybe a very small minority, maybe just a handful of people. You have recognized in discussing a particular phenomenon of the Palestinian terrorists that they seem to be aiming at trying to obstruct what you call the mainstream of Arab thought at the moment is trying to achieve. We have no means of telling to what extent they represent the thinking of the PLO as a whole. These are some of the aspects of the problem that I would like to hear you comment on further.

INDIGNATION AS A STARTING POINT

Mr. FALK. Fine. I think that your reaction is a perfectly understandable one, Mr. Bingham, but I guess that a part of what you suggest is an absence of indignation on my part is a reaction to the fact that in a sense indignation is where we all start from with regard to the events in the Middle East. It seems to me that a rational approach to the issues there has been retarded because we have allowed our indignation to confuse our perception of the justice claims that really underlie terrorist activity. In a sense I am trying to shift the dialog on how one thinks about these issues as they are presented in this kind of situation.

It is hard to imagine something more horrible than being the hostages of terror. Surely that is very high on the list of the horrible things that can happen to human beings, but I believe that that view—particularly in the United States—has been allowed for political reasons to crowd the agenda. It is important to understand that for a long time Israel I think tried to control public opinion in the United States on this issue in such a way as to deny that there was a Palestinian issue at all.

WHO ARE THE PALESTINIANS

It is not so long ago that Golda Meir said, "Who are the Palestinians?" It is maybe 3 years, maybe—

Mr. BINGHAM. That is still a valid question today: Who are the Palestinians?

Mr. FALK. If that is a valid question, then that is the whole point. You are then inflaming the more militant elements in the Palestine movement to tell you who they are.

Mr. BINGHAM. But those involved in the PLO are not all Palestinians. That is the point.

Mr. FALK. I imagined that is what you were suggesting.

Mr. BINGHAM. What about Kuwait?

Mr. FALK. That is like saying the American Revolution was not supported by the entire population. There is always a spectrum of responses in situations of extreme struggle. I think there is a sufficient critical mass mobilized behind claims of Palestinian self-determination that we ignore those claims at our peril and at Israel's peril, and that it is important to penetrate below the level of righteous indignation in coming to terms with the problems and the potentialities for solving or mitigating these problems.

I don't think there is any quick fix in the Middle East but I do think that one can come toward these issues in a way that promises would hold greater promise of initiating a much more constructive direction both among the Palestinians and with regard to Israel as well. It is for that reason, I think, that I chose to give the emphasis that I did in the paper. I agree with you that one needs to make some important distinctions. I mean I think that is a well taken point that I would be glad to try to develop on some other occasion in some supplement to this paper.

LINKING STATE AND INDIVIDUAL TERROR

I don't know whether you intended the framework of your comments to include state terror as well as the terror associated with liberation groups. I feel very strongly that part of the erosion of restraint with regard to innocent people comes from the way in which state power is being used in the world today. It is very hard, I believe, to credibly lecture dispossessed groups about the morality of conducting their warfare against appropriate targets if the most powerful actors in the world don't demonstrate any similar morality. That is where I think the American position in the world arena is extremely suspect. For us to lecture on combating international terrorism when we have just completed a varied and indiscriminate long term bombardment, one that produced far more civilian casualties than anything that has happened in the Middle East, that strikes a lot of governments and other segments of world public opinion as hypocritical in the extreme.

TYRANNY OF A MINORITY

Mr. BINGHAM. What about the question that I raised that because terrorism can be effected by such a small group it can be in effect a tyranny of the minority?

Mr. FALK. I think that is an important point, but I think it has to be assessed within the contexts where the terrorism is taking place.

For instance, a different assessment would be made, I believe, in Ireland than in the Middle East. My view is that there are several forms of terrorism, as you know, in the Middle East, too.

Even groups using terroristic tactics disagree. Al Fatah has engaged in terrorism in the past, but has now more or less renounced it in favor of a Geneva path toward negotiated settlement and a West Bank kind of solution. It is precisely because of this shift that Al Fatah has antagonized some of the extremist splinter groups who see such a solution as a real betrayal; if you set up a bantustan that that is doing nothing about the Palestinian problem.

Now whether this isolated minority can tyrannize a basic political process or not is a very controversial question. My own general view would be that such an outcome would be very unlikely; in other words, it is unlikely that isolated extremism can do more than be disruptive, and it can't really divert the basic course of the political process that is evolving in the Middle East.

Let me add just one final thought. The reason that terrorism has been effective in the past is that even though it may not have expressed the position of all the Palestinian groups, it still in general appeared to advance their claims for self-determination and get their position taken somewhat more seriously by other governments and in international forums. At the present time I think one could make a good argument by saying that continued terrorism can no longer fulfill that function, that the Palestinians have a better prospect of getting taken seriously by gaining access to Geneva and seeing what happens there.

Mr. BINGHAM. Did you want to comment on this?

Mr. LOCKWOOD. Very shortly.

I am somewhat distressed that the moral indignation did not come through in my prepared statement where I felt it was pregnant with moral indignation over both forms of terrorism. I would hope that my comments in response to different questions here would rectify that shortcoming, if it in fact exists, because I certainly feel that I have much greater moral indignation on both these issues of state and individual terrorism than our Government has displayed.

NO RANSOM STAND TOO RIGID

Mr. BINGHAM. Mr. Falk, on your last page you suggest that the no ransom stand is overly rigid. Would you develop that? Do you think that there is something to be gained by abandoning that posture?

Mr. FALK. Well, yes. Congressman Hamilton earlier raised that question. We did cover this briefly. I think that both Professor Lockwood and I share the view that it is necessary to examine ransom claims on a more concrete basis and that there are certain situations where a policy of no ransom seems to have no plausible deterrent effect and therefore merely sacrifices the person who happens to be caught as a hostage; we gave some examples of where that would seem to be the case.

Mr. BINGHAM. Thank you.

Mr. HAMILTON. Thank you very much, gentlemen.

The subcommittee stands adjourned.

[Whereupon, at 3:57 p.m., the subcommittee adjourned.]

INTERNATIONAL TERRORISM

MONDAY, JUNE 24, 1974

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
SUBCOMMITTEE ON THE NEAR EAST AND SOUTH ASIA,
Washington, D.C.

The subcommittee met at 2 p.m., in room H-236, the Capitol, Hon. Lee H. Hamilton (chairman of the subcommittee) presiding.

Mr. HAMILTON. The meeting of the subcommittee will come to order.

This afternoon, the Subcommittee on the Near East and South Asia concludes its initial inquiry into the general problem of international terrorism.

We have heard in this series from the Department of State and from five public witnesses who have widely varying viewpoints both on the nature of terrorism and counter-terrorism and on policies the United States should adopt and advice the United States should be giving to the governments and people of the Middle East.

We are happy to have with us this afternoon Brian Jenkins of the Rand Corp. Mr. Jenkins is currently engaged in research on political conspiracy and violence, guerrilla warfare, and international terrorism.

Mr. Jenkins, we are happy to have you here. You have a prepared statement, and you may proceed.

STATEMENT OF BRIAN JENKINS, CONSULTANT, THE RAND CORP.

Mr. JENKINS. Terrorism appears to have increased markedly in the past few years. Political extremists in various parts of the world have attacked passengers in airline terminals and railroad stations, planted bombs in government buildings, in the offices of multinational corporations, in pubs, in theaters, have hijacked airliners and ships and, recently, even a ferryboat in Singapore, have held hundreds of passengers hostage, have seized embassies, and have kidnaped government officials, diplomats, and, more recently, business executives. We read of new incidents almost daily.

Terrorism is a new element in international relations. Terrorists may strike the citizens of another country where they reside overseas, while they are in transit from one country to another, or at home in their own country. Often the victim is totally unrelated to the terrorists' cause.

WHAT IS TERRORISM

When we talk about terrorism, what are we talking about?

The word has no precise or widely accepted definition and it is often used pejoratively. Some governments are prone to label as

"terrorism" all violent acts by their opponents. Rebels rarely call themselves terrorists, but frequently claim to be the victims of government terror. In short, the definition of terrorism seems to depend on point of view—it is what the "bad guys" do.

Without getting bogged down in the search for definitions that will satisfy foreign offices and international lawyers, we may define terrorism functionally as a campaign of violence designed to inspire fear—a campaign to terrorize. It is generally carried out by an organization and is devoted to political ends. That, at least, distinguishes it from mugging and other common forms of crime that may terrify but are not terrorism.

Acts of terrorism usually have the following characteristics:

The violence may be directed against civilian targets. The attacks are often carried out in a way that will achieve maximum publicity. The use or threat of violence is often coupled with specific demands. The lives of hostages are often at stake.

DEFINITION OF INTERNATIONAL TERROR

International terrorism may be defined as acts of violence or campaigns of violence waged outside the accepted rules and procedures of international diplomacy and war. Breaking the rules may include attacking diplomats and other internationally protected persons, attacking international travel and commerce, or exporting violence by various means to nations that normally would not, under the traditional rules, be considered participants in the local conflict.

Terrorism is violence against the "system," waged outside the "system." Therefore, the rules of the "system" do not apply. For example, most other forms of warfare, at least in theory, recognize categories of civilians who are not directly engaged in the struggle—women and children, for example—and who, therefore, are not targets of violence.

Terrorists recognize far fewer immune civilians. Terrorists may regard a person as an enemy, and therefore a target, solely on the basis of nationality, ethnicity, or religion. Or one can become a target by mere happenstance—by watching a movie in a theater when a bomb goes off, or by passing through an airport waiting room when passengers are machinegunned.

TERRORISTS DO DISCRIMINATE

This is not to say that people we call terrorists are always indiscriminate killers, or that groups we call armies are always scrupulously discriminating; but exceptions don't invalidate our definition—they simply compel us to recognize that soldiers may sometimes be terrorists.

We may disapprove of terrorism, but terrorists can muster some cogent, or at least plausible, arguments in defense of their behavior. Why, they will ask, should terrorists play by the established rules when someone else contrived those rules for his own advantage, when those rules deprive some categories or groups—those without recognized governments, territory, or armies—from exercising their "right" to resort to violent means?

Besides, playing by the rules does not attract attention. Breaking them does.

We might say, then, that international terrorism represents a new kind of warfare. It is warfare without territory, waged without armies as we know them. It is warfare that is not limited territorially; sporadic "battles" make take place worldwide. It is warfare without neutrals, and few or no civilian innocent bystanders.

CHOREOGRAPHED VIOLENCE

Terrorism is often described as mindless violence, senseless violence, or irrational violence. None of these adjectives is correct. Terrorism is not mindless violence. There is a theory of terrorism, and it often works. To understand the theory, it must first be understood that terrorism is a means to an end, not an end in itself; in other words, terrorism has objectives.

(The terrorists, themselves—those who carry out the missions—do not always understand this, or sometimes seem to forget it.)

The objectives may be obscured by the fact that terrorist attacks often seem random and directed toward targets whose death or destruction does not directly benefit the terrorists. But the objectives of terrorism are not conventional military ones. Terrorists do not seek to take and hold ground or physically destroy their opponents' forces. Terrorist groups usually lack that kind of power.

Individual acts of terrorism may be directed toward the achievement of specific objectives that the terrorists often make explicit: widespread news coverage, perhaps the publication of the terrorists' grievances or demands, the payment of ransom, the release of prisoners.

As opposed to the tactics of individual acts, the strategy of terrorism is aimed at achieving broader goals, which may range from attracting world wide attention to the terrorists' cause to the dissolution of society or of international order.

TERRORISM WANTS EAR AND ALARM

Terrorism aims at creating an atmosphere of ear and alarm—or terror. Such an atmosphere causes people to exaggerate the apparent strength of the terrorists' movement and cause, which means that their strength is judged not by their actual numbers or violent accomplishments, but by the effect these have on their audience.

Since most terrorist groups are actually small and weak, the violence must be all the more dramatic, deliberately shocking; hence, they may choose innocent civilians as targets. "Pure terrorism" is totally and deliberately indiscriminate, because indiscriminate violence gets the most attention, is the most alarming, and is difficult to protect against.

Terrorist attacks are often carefully choreographed to attract the attention of the electronic media and the international press. Holding hostages increases the drama. If certain demands are not satisfied, the hostages may be killed. The hostages, themselves, often mean nothing to the terrorists. Terrorism is aimed at the people watching, not at the actual victims. Terrorism is theater.

THE TWO SLA'S

To illustrate this point, let me use a local example that we all have recently become familiar with—the Symbionese Liberation Army.

There seems to be two SLA's. One of them has appeared on television or in the newspapers almost daily. Everyone has seen the seven-headed cobra symbol, and thousands have listened to SLA tapes. An enormous number of police and FBI agents were mobilized trying to find it. It has excited and entertained, if not terrified, the people of California.

Then there is the other SLA—the “real” SLA. It once had a dozen or so members, now perhaps three. It has to its credit one murder (possibly of the wrong man), one kidnaping, one bank job, and a few stolen cars—hardly a crime wave.

The difference between the two is the difference between the actual amount of violence and the greatly amplified effects of that violence. There are other examples.

Insurgents have been fighting in Angola, Mozambique, and Portuguese Guinea for years. The world hardly notices, while perhaps an equal number of Palestinian terrorists have become a primary concern to the world. The entire problem of international terrorism provides yet another example of amplification, as we shall see later.

Publicity pays off, possibly more in the international arena than in local political contests, where the survival of the government may be at stake and there is less room for compromise.

TERRORIST ATTACK SYSTEM BUT DEPEND ON IT

Paradoxically, while terrorism is waged outside the “system,” and in the case of international terrorism, attacks the basic rules of international order, terrorists depend on international pressure to achieve their political goals.

Through outrageous acts of violence directed against everyone, terrorists hope to persuade other nations to pressure their adversary into a settlement more favorable to the terrorists' cause than the terrorists, themselves, could achieve, not because other nations will always sympathize with their cause or their tactics, but because they simply want to end the violence.

This concept of using limited military means to generate international pressure emerged during the anticolonial struggles of the 1960's, when local insurgents attempted to attract international attention and embarrass the government of the colonial power. The same tactic was also used earlier by those fighting to bring about the withdrawal of British Forces and create a Jewish homeland in Israel.

International attention was a prerequisite to international pressure, which could achieve what the local insurgents could not achieve militarily; that is, induce the colonial power to withdraw.

The difference between the anticolonial insurgents and today's terrorists is that during the colonial struggles, the insurgents sought international attention by acts of violence in the colonies. Seldom was the metropole directly attacked. Now, terrorist violence is exported throughout the world. Attacks may take place anywhere.

PALESTINIANS USE TERRORISM SUCCESSFULLY

Recently, terrorism has been used most successfully by Palestinian guerrillas. That there is now pressure for an Israeli withdrawal and the creation of a Palestinian homeland is owing to the success of Palestinian terrorists in bringing their cause violently and dramatically before the eyes of the world.

Without endorsing terrorism, one must wonder what success they could have won had they operated within the established bounds of conventional warfare and polite diplomacy. At the same time, one must wonder what their success means for the future. Will it inspire groups with equal capacity for violence, but with far less claim to legitimacy, to try to extort concessions from the world merely in exchange for an end to their violence?

CAN BE USED TO BREAK UP SOCIAL ORDER

Terrorism may also be used to break down social order. Revolutionaries, impatient at the reluctance of the "people"—in whose name the revolution is to be carried out—join them, may condemn society's normal rules and relationships as chains of complacency under tyranny.

If the benefits of political obedience are destroyed, if the complacency of uninvolvedness is not allowed, if the government's ability to protect its citizens, which is the origin and most basic reason for the existence of government, is demonstrated to be ineffectual, if the government can be made to strike back brutally but blindly, if there is no place to hide in the ensuing battle, then, it is presumed, the "people" will fight and a revolution will be carried out.

The danger of such a strategy is that it often backfires. With no immunity from random terrorist violence, even sympathizers may turn against the terrorists and support the government's moves to destroy them. This type of terrorism has not yet been seen at the international level, and only occasionally does it become significant at the national level.

Terrorism may also be used to enforce obedience and cooperation. This is the normal objective of state or official terrorism, and of the terrorism that terrorists, themselves, may employ to insure loyalty in their own ranks.

The outcome desired by the terrorists in this case is a prescribed pattern of behavior: absolute obedience to the state or cause, full cooperation in identifying and rooting out infiltrators or enemies.

The theory is the same: success demands the creation of an atmosphere of fear and the seeming omnipresence of the internal security apparatus. The techniques vary, but all contain elements of deliberate drama: Abductions of defectors, assassinations, midnight arrests, disappearance of people, and stories (often real) of dungeons, concentration camps, and torture.

As in other forms of terrorism, the objective is the effect on the target audience, but with the difference that enforcement terrorism seldom chooses victims at random and does not seek widespread publicity, especially international attention.

NEW TARGETS AND NEW CAPABILITIES

Terrorism is not new, but a number of technical developments have made terrorism a more potent, and to groups that lack other means of applying power, an attractive means of struggle.

Progress has provided terrorists with new targets and new capabilities. Jet air travel furnishes unprecedented mobility and with it the ability to strike anywhere in the world. Recent developments in news broadcasting—radio, television, communication satellites—are also a boon to publicity-seeking terrorists.

If we judge terrorism on its own terms, as a way to get attention and inspire alarm, it is a success. The actual amount of violence caused by international terrorism, compared with the world volume of violence or with national crime rates, has been small. There have been 486 incidents of international terrorism in the past 6 years (from January 1960 to April 1974).

To repeat, these are incidents of international terrorism; that is, terrorists have attacked foreign officials, or have gone abroad to strike their targets, or have hijacked international airliners.

The actions of the Irish Republican Army in Northern Ireland or those of the Tupamaros in Uruguay are not counted in that figure. Those are local struggles. But the actions of the IRA in London are included in the above total, as are the occasions when Tupamaros kidnaped foreign diplomats.

There are two other deliberate omissions: Acts of terrorism associated with the war in Indochina; and the numerous cross-border raids against kibbutzim, or acts of terrorism in the Israeli-occupied territories, except for the major episodes, have not been included. These are still a part of local struggles and did not directly affect other nations.

NUMBERS INVOLVED

All truly international incidents of terrorism associated with the struggle in the Middle East are included: The killing of the Israeli athletes in Munich; the seizure of the Saudi Arabian Embassies in Khartum and Paris; the killing of Palestinian leaders in Beirut, and of suspected Arab terrorists in Europe by Israeli commando teams, or agents; and others. In all, 351 people were killed, counting terrorists; 676 were wounded or injured.

The willingness and capability of the news media to report and broadcast dramatic incidents of violence throughout the world enhances and even may encourage terrorism as an effective means of propaganda. Terrorists may now be assured that their actions will receive immediate worldwide coverage on radio, on television, and in the press. The world is now their stage. The whole world is probably watching.

The vulnerabilities inherent in modern society, which is increasingly dependent on its technology, afford terrorists opportunities to create greater disruption than in the past. Finally, new weapons, including powerful explosives and sophisticated timing and detonating devices, are increasing terrorists' capacity for violence.

The most ominous recent development is the discovery of Soviet hand-held, heat-seeking, ground-to-air missiles in the hands of terrorists near the Rome Airport.

This historical trend is important. The increasing vulnerabilities in our society, plus the increasing capacities for violence afforded by new developments in weaponry, mean that smaller and smaller groups have a greater and greater capacity for disruption and destruction. Or put another way, the small bands of extremists and irreconcilables that have always existed may become an increasingly potent force.

THE SMALL ACTUAL AMOUNT OF VIOLENCE

Without minimizing these casualties, and even allowing for some incidents that were overlooked or might justifiably have been included, the total is small. It is less than the homicide rate of any major American city; after all, we have more than 18,000 criminal homicides a year in this country. It is less than the weekly casualty rate in Indochina. It is minute compared with the casualties of any war, and it is perhaps significant that during periods when there are wars, such as the last one in the Middle East, incidents of terrorism elsewhere are not reported.

Perhaps only in times of relative peace in the world can world attention be attracted by lesser episodes of violence. Had any of these terrorist groups somehow acquired the means of conventional war and fought within the internationally accepted rules of warfare, would the toll have been any less? Would fewer civilians have died? Again, it seems that breaking the rules does more than body-counts to incense the "civilized" nations of the world.

EFFECTS GREAT

The effect produced by this small amount of actual terrorist violence is much greater. Look at the headlines captured, the amount of valuable television time devoted to the terrorists, the disruption caused by the alarm terrorists have created, the diversion of resources to protection against terrorist attacks, the willingness of many governments to release captured terrorists if holding them is likely to make the country a target of further terrorist attacks.

What has been demonstrated is that little groups with a limited capacity for violence can capture headlines, can cause alarm, can compel governments to abandon their law enforcement function. To terrorists and to potential terrorists, that makes terrorism a success.

EFFECT OF INTERNATIONAL ORDER

International terrorism has had a destabilizing effect on international order. Campaigns of terrorism or specific incidents of terrorism directed against targets in the foreign diplomatic or business community have embarrassed several governments, weakened some of them, and no doubt contributed to the downfall of a few.

But where national governments did fall, other factors were also present, such as grave economic problems, rampant inflation, widespread unemployment, or deep-rooted political struggles. No strong governments have fallen to domestic or foreign terrorists.

Terrorism has raised new questions about the feasible limits of protection a country may provide for its citizens once they are beyond its national borders. It has also raised questions about the national

responsibility. When terrorists from one nation train in another nation, board a plane in a third nation to carry out an act of terrorism in a fourth nation, who is responsible? What basic responsibilities does every nation have in deterring the acts of terrorism against citizens of another nation?

Terrorism has exacerbated several local conflicts, expanding them beyond the locality involved. Terrorism has prolonged conflicts, making settlements more difficult to reach. This is particularly true of the conflicts in the Middle East and in Northern Ireland; but both of these are deep-rooted conflicts that would have been difficult to solve, anyway.

Beyond attracting attention and wringing some concessions from vulnerable governments, terrorism has not yet had a major impact on the international order. Measured against the limited investment in violence, the effects have been significant, but measured against other disruptive forces in the world, the activities of terrorists rank far below such things as the recent Arab oil embargo, soaring energy costs, worldwide inflation and food shortages, and conventional wars.

A FEEBLE INTERNATIONAL RESPONSE

The international response to international terrorism has been feeble, thus far. There has been only limited international cooperation against terrorists. Since for reasons of ideology or politics, not all nations are threatened equally by acts of terrorism, the issue of terrorism remains political.

The politics center on the question of what terrorism is. After all, people who are terrorists to one nation may be "freedom fighters" to another. A number of nations are reluctant to take any steps to outlaw what they call wars of national liberation. Some nations, particularly those lacking the tools of modern conventional warfare, do not want to deprive themselves of supporting other kinds of warfare. Some nations are simply reluctant to support any condemnations of terrorism that might offend other nations who support the terrorists cause.

As a result, there is little international support for measures against terrorists. True, there have been successes in a few areas—airline hijacking, for example, which most nations regard as a threat to all—and kidnaping diplomats appears to be another tactic that nations might consider a threat to all; but the generally ineffectual international response may partly account for the continuation of terrorism.

STATES COMPELLED TO ACT ALONE

Lacking international cooperation, nations have been compelled to deal with terrorism on their own. Some nations, such as the United States, have attempted to confront the challenge by beefing up security against attacks by terrorists here and abroad, and by urging greater international cooperation against terrorism. The latter effort has achieved only limited success.

Other nations, while bolstering their security measures, have attempted to establish a live-and-let-live relationship with terrorists operating on their territory, acceding to terrorist demands, when necessary, and avoiding crackdowns that could provoke retaliation.

A few nations, notably Israel, have chosen direct action against the terrorists, retaliating for terrorist attacks, according to the terrorists belligerent status, and fighting back sometimes outside of the rules.

Expanding terrorism, if the international response continues to be feeble, may further promote this type of direct response.

"SIMULTANEOUS REVOLUTION" OR SURROGATE WARFARE

What direction will terrorism take in the future?

We can discern some trends. While it is incorrect to speak of terrorism in terms of an international conspiracy, as if terrorists in the world were all members of a single organization, it is apparent that links are increasing between terrorists in various parts of the world. A number of terrorist groups share similar ideologies and are willing to cooperate.

Alliances have been concluded between terrorist groups, such as that between the Popular Front for the Liberation of Palestine and the United Red Army of Japan. It was Japanese terrorists from the Red Army that were brought in by the Palestinians to machinegun passengers at the Lod Airport in Israel 2 years ago.

LINKS DEVELOPED

It has also been reported that the IRA has developed close relations with members of the ETA, a Basque separatist group in Spain; and, recently, four urban guerrilla groups in South America, the MIR of Chile, the ERP of Argentina, the ELN of Bolivia, and the Tupamaros of Uruguay, have created a "junta for revolutionary coordination" in order to "internationalize" their armed struggle.

The better-trained, better-financed, and better-equipped terrorist groups are providing some military assistance and technical advice to less-developed terrorist groups. Groups in one part of the world have shown themselves capable of recruiting confederates in other parts.

The growing links between terrorist groups are extremely important. They provide small terrorist organizations with the resources to undertake far more serious operations than they would be capable of otherwise. They make identification more difficult, since local citizens can be used to carry out attacks; and they could ultimately produce some kind of worldwide terrorist movement directed against some group of countries for vague ideological, political, or economic reasons. This concept has been referred to by some terrorists as "simultaneous revolution."

MORE DESTRUCTIVE ACTS

A second possible trend is in the direction of more extravagant and destructive acts. This could become necessary as the public and governments become bored with what terrorists do now. It will also be made possible by the creation of new vulnerabilities and by the acquisition of new weapons.

The probable proliferation of nuclear power facilities in the next few decades, and the amount of traffic in fissionable material and radioactive waste material that will accompany this, raises a number of new possibilities for political extortion and mass hostage situations on a scale that we have not yet seen—a new vulnerability.

At the same time, technological advances are creating a new range of small, portable, cheap, relatively easy to operate, highly accurate, and highly destructive weapons which, if produced on a large scale, will undoubtedly find their way into the hands of terrorists.

What will the consequences be? What will happen when the "Saturday Night Special" is not a revolver but a handheld, heat-seeking missile?

Within 10 years, a new range of small, inexpensive weapons employing precision-guided munitions will be in production. These weapons will provide terrorists with new capabilities. On the other hand, terrorist violence may be self-limiting in the sense that terrorists depend, to a degree, on the toleration of at least some governments. Too much violence could provoke harsh reactions and greater international cooperation against the terrorists.

USES AS MEANS OF SURROGATE WARFARE

A third possible trend is that national governments will recognize the achievements and potential achievements of terrorist groups and begin to employ them as a means of surrogate warfare against another nation.

Conventional war is becoming impractical. It is too expensive and too destructive. On the other hand, terrorists could be employed to create alarm in an adversary's country, compel it to divert valuable resources to protect itself, destroy its morale, and carry out specific acts of sabotage.

Terrorism requires only a small investment, certainly far less than what it costs to wage a conventional war. It is debilitating to the enemy, but the host government can deny sponsoring it. The concept is not new, but the opportunities are.

Gentlemen, that concludes my written statement.

I will be very happy to answer questions at this time.

BROAD APPROACHES TO TERRORISM

Mr. HAMILTON. Thank you, very much, Mr. Jenkins.

Mr. Jenkins, we have had several hearings on this problem of terrorism. It seems there may be two broad approaches by our various witnesses to the question of how to deal with the terrorists. One emphasizes the criminal nature of the terrorists and suggests very strong counterforce measures. The other school of thought emphasizes the legitimate concerns of many terrorists groups and says that the way to deal with them really is to deal with these underlying political, social, and economic injustices.

Which school of thought would you put yourself in here as between the two?

JENKINS IN MIDDLE

Mr. JENKINS. I would fall somewhere between the two.

I don't think that it will be possible to outlaw terrorism. There has been little international cooperation against terrorism thus far, primarily because not all nations can agree on a definition of just what terrorism is. Some nations, according to their own definitions, would regard the activity of the United States or its allies during conven-

tional wars as acts of terrorism, no less so because they were carried out by men in uniform using weapons of modern warfare. I don't see much possibility of producing a corpus of international law that will have any greater success in banning terrorism than the corpus of international law that already exists has had in banning war. International terrorism is a form of warfare. Given the total casualty figures that I mentioned in my written statement thus far, international terrorism is still a relatively benign form of warfare, certainly less frightening than some other forms of warfare. I don't think we will outlaw terrorism.

Insofar as solving all injustices in the world as a means of eliminating terrorism, I doubt that it can be done.

In my written statement I point out that small bands of irreconcilables, and extremists have always existed, but because of the increasing vulnerabilities in our society and because of modern developments in weaponry, they are becoming an increasingly potent force.

NOT POSSIBLE TO SATISFY ALL

It will not be possible to satisfy all extremists. For every solution or concession there will always be some band of extremists who will demand further concessions.

I would suggest that the following approach be considered:

I don't believe that because a certain category of individuals have carried out a certain type of tactics that some nations choose to call terrorism these individuals can always be dealt with out of the context in which those events take place.

In other words, I don't believe terrorists belong to a separate country of the world called "terrorism," and therefore we can deal with them apart from the various local struggles. Their actions take place within a political context.

In some cases their actions result from injustices that are understandable. In some cases, not. We could approach some of them the same way that we now approach other nations, that is, while adhering to certain principles which might be universal, our actual approach would depend on our interests in each area.

We may have quite different policies and different approaches to different groups of terrorists. They need not be the same for all.

U.S. POLICY AS STATED

Mr. HAMILTON. The U.S. stated policy, as announced thus far, is rather a firm and determined and all-encompassing type policy that insists we pay no ransom; that we always present a firm response.

I take it that you don't agree with the announced U.S. policy toward terrorism.

Mr. JENKINS. No, sir. I wouldn't say that.

I think there is a difference between the announced policy, that is, the posture we may take, and how we actually deal with terrorism under that posture.

If I do quarrel with the U.S. policy it is not on specifics such as the payment of ransom; I differ with our approach of attempting to deal with all terrorists of the world, whether they are three Haitians who kidnap our Ambassador in Port-au-Prince or whether they are part of a large group in the Middle East.

POLICY OF U.S. COMPANIES

Mr. HAMILTON. Do you think the American companies that have paid ransom in Latin America have made a mistake?

Mr. JENKINS. After looking at a number of cases, it appears to me that the most important factor in deterring kidnappings which is what we are talking about here, is not the denouncement of the particular episode, but what happens after.

If I may use as one example kidnaping for ransom in this country by criminals. Kidnaping for ransom in this country is an extremely rare crime. There have been only 647 kidnappings for ransom in the past 30 years, according to figures recently released by the head of the FBI.

If one looks at the record of ransom payment, the ransom has almost always been paid by the family. If one looks at the amounts of ransom, the amounts have increased over the years. Yet, kidnaping remains an extremely unpopular crime.

There have been only 647 cases involving the FBI over a period of 30 years, 20-some a year, compared to over 18,000 criminal homicides a year in this country. Why? I think the explanation can be found in what happens to kidnapers. Of the 647 cases of ransom kidnaping, all but three of them have been solved. The FBI has a better than 90-percent capture record. The conviction rate is extremely high and the sentences are harsh.

I can't prove that not paying ransom is not a deterrent. We can't count events which do not occur. But the record suggests that the crucial factor is what happens after the episode, after the release of the hostage, and not to the outcome of the specific episode. Is the kidnaper caught, convicted, and appropriately punished? If so, kidnappings seem to become unpopular.

NOT ANNOUNCING POLICY

Mr. HAMILTON. Would you advise the companies to pay or not pay a ransom in Latin America?

Mr. JENKINS. I don't think that any specific policy should be announced in advance. I don't think that one should be held to a rigid policy position.

Mr. HAMILTON. Each case has to be resolved on the separate circumstances?

Mr. JENKINS. Exactly.

PROBLEM OF ISRAELI-LEBANESE BORDER

Mr. HAMILTON. Which is not the announced policy of the U.S. Government today.

Let me ask another question before I turn to my colleagues here.

One of the chief areas of terrorism today is on the Lebanese border of Israel. One proposal which has been put forward to deal with this is a United Nations force along that line, some-kind of United Nations presence there, to try to seal it off.

How would you respond to that kind of proposal?

Mr. JENKINS. Since much of the terrorism that we are talking about consists of cross-border raids by Arab commandos, it possibly would have some effect in limiting that kind of terrorist activity.

Mr. HAMILTON. You may want to comment on the general problem of terrorism on that border if you have any specific thoughts on it as to how it can be reduced.

TERRORISM IN MIDDLE EAST

Mr. JENKINS. Let me say something about the cycle of terrorism and retaliatory raids or counter-terrorism in the Middle East.

I am afraid I remain very skeptical of all solutions that propose to end the problem of terrorism by the erection of higher fences or by the deployment of troops. These are fairly standard military measures which terrorists, being limited in resources and, therefore, imaginative, have always found ways of getting around.

Terrorism in the Middle East has had a very long history; it goes back centuries. There are on both sides of the struggle, elements within the traditions, culture, and historic experience of both groups, which sanction the type of warfare, style of warfare that is currently being waged in the Middle East. As an example, let me refer to a very ancient mideastern law, the law of *lex talionis*, which is the law of retaliation.

The law of retaliation is an ancient concept in the Middle East which not only accords the injured party the right, the privilege to respond in kind, that is, in blood, for injuries against him, but demands retaliation under forfeit of honor.

On top of this historical foundation there has been in the past 30 years of almost continuous warfare plus four major wars. Because this conflict is so deep rooted, and because there is such a long tradition on both sides of attack and retaliation, I don't think the basic conflict will be ended easily by any such military measures as the deployment of troops or physical measures such as the construction of a fence.

Mr. HAMILTON. Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman.

First, Mr. Jenkins, I want to thank you for your statement and also for your service to our country in the past.

I assume, Mr. Chairman, his biographical sketch will be made part of the record.

Mr. HAMILTON. Yes, it will.

UNITED STATES A LEADER IN CURBING TERRORISM

Mr. BUCHANAN. The United States has been a leader in antiterrorist activities. We have taken certain unilateral measures in visas, immigration, custom procedures, stricter airport hijack control. We have made efforts to gather better intelligence. We have increased security at the foreign embassies. We have provided some leadership at the U.N. toward getting at least the diplomats a little better protected in a rare successful action in the terrorist area.

What other measures do you feel we should be undertaking internationally toward controls?

Mr. JENKINS. Most of the measures that you refer to consist of beefing up security. Certainly to the degree that they are tolerable and do not interfere with the basic rights of people in this country, it certainly makes sense to maintain a high level of security.

In terms of the various international initiatives, at the U.N. and the OAS, there have been a few limited successes, such as the agreement on hijacking. At least we have managed to get a few bilateral agreements which have crossed off some of the landing sites for future hijackers.

In terms of the broader international effort to outlaw this type of welfare, I see fewer prospects for success.

If we are concerned with doing things that conceivably might reduce terrorist attack on the United States or on U.S. citizens abroad, we might consider, as I said before, exploring the possibility of an approach that would be somewhat more sophisticated than our present one which views the problem of terrorism as one of "us versus them" and puts all of them in one bag.

SOME VALID CLAIMS

In some cases, a more sophisticated or flexible approach may mean recognizing where they exist, valid claims of groups employing terrorism, and through policy statements or through negotiations, giving evidence of our sympathy with those claims or causes that we may regard as valid.

I will not comment on which groups or causes those might be.

In other cases, we might take live-and-let-live attitude toward some of these groups, not necessarily agreeing with their claims, but simply dealing with them on a case-by-case basis without attempting to take the position that they are international thugs who exist in the world only to create pain for us or that they are lunatics. They are seldom lunatics.

Generally, I think a more sophisticated political approach offers some chance of minimizing damage to U.S. citizens. Terrorism is not different from other forms of warfare in that it is an extension of politics by violence. We certainly would not treat a war with one power the same way as we would treat the potentiality of war with another power, or defend our country in one case the same way that we would defend in quite another case.

It is counterproductive to lump all the world's terrorists together and we mislead ourselves when we do so.

I don't think the actions of terrorists in South America provide precedents for how we should deal with the actions of terrorists in the Middle East. I don't think the actions of local terrorists in some part of Asia necessarily provide policy guidelines for dealing with the kidnapping of an ambassador in Europe. I think it is a matter of putting each episode in its own context and dealing with it in the same way we deal with different governments.

UNILATERAL ACTIONS

Mr. BUCHANAN. In many cases I share your skepticism as to the degree of success we can have in getting a broad international agreement. That does not seem very likely, I repeat.

Do you think that the United States should undertake in any cases such actions as unilateral sanctions against a country or countries which persistently harbor terrorists or which release them, or should we not?

Mr. JENKINS. Since I am talking about a policy that allows greater flexibility in dealing with these various groups, and in dealing with the general problem of terrorism, I would have to say that flexibility allows not only for a taking a live-and-let-live attitude on the one hand, it could also call for sanctions against a particular nation or, indeed, actions against a specific group.

There are concessions that we can offer or deny. There are a number of things that we can try. It is the same way that nations historically have dealt with other nations.

I would not confine it to sanctions against a nation, nor would I confine it to sanctions against specific groups. As I say, there are things that we can either offer or deny certain groups.

MIDDLE EAST EXAMPLE

An example of this in the Middle East might consist of attempting to deal with some of the more moderate elements in the Palestinian movement, at least listening to them when they speak, while at the same time denying this tacit recognition or imposing sanctions on some of the more extreme elements in the Palestinian movement.

As a principle of course all terrorism is bad. As a pragmatic matter, some terrorists are more moderate than others and we can deal with these people. We can allow for negotiations with this category and not another category.

What we end up with is an incentive for more responsible behavior among those employing terrorist tactics. I do not say that there will still not be some small fragment or group of extremists calling itself "the Six" or "the Seven" or the "Squad of this" or "the Eagle of that" that will undertake some operation. But at least there would be some reward for responsible behavior among some as opposed to calling all such groups, whatever they do anywhere in the world, thugs. Now the incentive seems to be for more extravagant acts.

Mr. BUCHANAN. Thank you very much.

Thank you, Mr. Chairman.

Mr. HAMILTON. Mr. Bingham?

TERRORISTS OUTSIDE SYSTEM

Mr. BINGHAM. Thank you, Mr. Chairman.

I am sorry I was late. I could come back a little later with some questions but at this point let me say this:

I like very much what I have heard and read of Mr. Jenkins' statement.

You used the term "system," in effect "the terrorists typically operate outside the system."

How do you relate that to the international scene where Palestinian terrorists are operating in Israel?

Mr. JENKINS. What I meant by the "system" is the corpus of international law, historically accepted procedures of international diplomacy and the laws and procedures of warfare. I refer to those collectively as the "system." I am saying that terrorists do not accept that system, and operate deliberately outside it.

How does it relate to international law and international diplomacy?

Terrorism is a new invention; it is a new form of struggle, a form

which has been made possible recently by other developments, technical developments, primarily. Therefore, we may have to redefine and relegislate some of those procedures. We may have to redefine certain rules of warfare. This is not unprecedented. Rules of warfare are simply those rules that were found mutually advantageous in previous wars and are written into a treaty. Then something new comes along, some new technical invention or weapons such as gas, various types of chemical warfare, or various tactics, that nations must deal with, outlawing them, and have some means of encouraging people not to adopt those, or attempting to incorporate them into the "system."

TACTICAL AND TECHNICAL INVENTIONS

New inventions may be tactical inventions—guerrilla warfare, for example. There are now new elements of international law of warfare which allow for the recognition of troops who no longer wear uniforms and are not identified as members of a national army.

There is a constant process of redefining and relegislating rules of conflict. That approach may be more productive in the case of terrorism than the policy of outlawing all terrorists, if a terrorist group accords one country *de facto* belligerent status. Perhaps the favor can be returned.

Maybe there are ways of engaging in warfare against a group that does not have territory. Maybe our concepts of war, defense, and international diplomacy are totally outdated in this age.

GENEVA CONFERENCE

MR. BINGHAM. On that point, I am sure you are aware that at the Geneva meetings on the revision of the rules of war, there is some effort being made to arrive at a definition of what constitutes guerrilla warfare in such a sense that they should be accorded rules of war and treated as prisoners of war, and so on.

MR. JENKINS. Yes.

MR. BINGHAM. That has to do, does it not, with uniforms and structure?

MR. JENKINS. Some of it has to do with uniforms and also allowable tactics and procedures.

COMPARING STATE AND INDIVIDUAL TERROR

MR. BINGHAM. We had two witnesses the other day who seemed to come pretty close to, perhaps not equating, but comparing terrorism by individuals, the type you have been talking about, and government terrorism against individuals on the other side.

You state on page 2 that rebels rarely call themselves terrorists but frequently claim to be the victims of government terror.

Would you tell us whether you think that it is a valid comparison or whether these things are really quite a different order of magnitude?

MR. JENKINS. Within any dispassionate definition of terrorism—that is, if one does not deliberately attempt to use the word in a pejorative sense—we would have to recognize a state or official terrorism which would fall within the purview of our discussion.

I don't think terrorism is limited to nongovernment groups. Indeed, if one had some means of counting all of the victims of totalitarian regimes in recent years, I am sure that state terror would be far ahead of revolutionary or nongovernmental terror.

NEED TO BETTER DEFINE TERMS

Mr. BINGHAM. Don't we perhaps need a different word for that? It seems to me it is somewhat confusing to us the word "terrorism" because the very way you describe terrorism in your paper does not fit very well with what it is—violence—to be sure, in some cases, intolerable violence.

For one thing, it frequently does not operate without the system. It frequently uses the system in order to operate. For another, it is usually directed at those people considered the enemy. It is not deliberately directed at people who are innocent even from the point of view of those exercising the violence; isn't that correct?

Mr. JENKINS. Nongovernmental terrorists may deliberately choose targets at random for the effect that this achieves, while it is quite true that in state terrorism, there is seldom an advantage in choosing targets at random. There is some selection process.

Now, it is debatable from country to country, and from historical period to historical period, just how much selection, indeed, there has been. In terms of the effect to be achieved, however, terrorists, whether state terrorists or unofficial terrorists, I think it is the same.

Functionally, both kinds of terrorists attempt to create an atmosphere of fear within the target audience. The behavior they want to achieve may differ slightly, in the case of official terror, absolute obedience to the cause or to the regime.

TACTICS CAN BE SIMILAR

In terms of tactics, however, they are often quite similar.

We do have historical examples of state security apparatuses operating outside of the system of international law, kidnaping defectors and bringing them back to their country, or assassinations carried out abroad against exiles.

So I think we would have to include this kind of terrorism, too. If we don't, then we are in the trap of a pejorative definition of terrorism that two-thirds of the world simply will not accept; that is, if you have an army with artillery, a flag, and happen to be in possession of the national palace, you are the "system" and anything goes; and if you don't have these accouterments, you are not the "system" and what you do will be branded terrorism, and all the nations of the world should cooperate against you.

That would constitute an adherence to the status quo to a degree that would not have allowed the creation of half of the nations that exist in the world today, including this one.

NEED FOR ACCEPTED DEFINITION

Mr. BINGHAM. Just one more question.

If we are going to do something about terrorism in the sense in which we normally use it, don't we need to have a definition to which

90 percent of the nations would agree that these activities ought to be stopped and therefore must exclude these other things you are talking about which they certainly are not going to outlaw?

Mr. JENKINS. The only way I think you are going to get 90 percent of the nations in the world to agree on anything is by not approaching it in terms of definition.

The United Nations General Assembly had a special committee on terrorism, and they became bogged down in the definitional problem.

The only way the U.N. could solve this problem was to print all the definitions. There were as many definitions as there were countries.

You probably can get 90 percent of the nations to agree on limited things that are of mutual concern to 90 percent of the nations. An example has been hijacking; it is of equal concern to all, and nations will cooperate to deal with that specific problem. Kidnaping diplomats, or the taking of hostages who are not involved in the struggle, may also be something that the vast majority of nations, and even perhaps a majority of revolutionary groups in the world—because not all revolutionary groups resort to terrorist tactics—would be able to agree upon; that is, that threatening the lives of innocent hostages is outside the rules.

Terrorism can be dealt with tactic by tactic, not by attempting to draw a definite line, and saying that this side of the line is something we are going to define as terrorism and the other side of the line is something that we are going to call legitimate violence. I don't think you can draw the line. I also think that it would be ineffectual; it certainly would not be enforceable.

Mr. BINGHAM. Thank you.

Mr. HAMILTON. Mr. Gilman.

POLICY RECOMMENDATIONS

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. Jenkins, we certainly appreciate your analysis of the problem.

I am still waiting to hear what your recommendations are and what direction you think we should best be going.

You pointed out the problems of limited international cooperation and pointed out some of the problems that Israel has been confronted with and what action they have been taking. What do you think we should best be doing in this area?

Mr. JENKINS. I am not trying to avoid giving you an answer; it is just that I don't think that international terrorism can easily be solved. Anyway, let us put the problem in perspective.

The world is not on the verge of anarchism because of the activity of the international terrorists. In terms of the kinds of warfare that ingenious mankind has developed over the years terrorism is frightening, but it is certainly more benign than some of the other forms of warfare. The problem is not one of major proportions to the world. One has to think twice about what level of effort one is going to devote to it.

Conceivably we could go further in terms of security measures to prevent attacks against aircraft, or against U.S. citizens. I am not sure that these measures would be acceptable; I am not sure they would be tolerable. I am not sure they would be right to do.

MAINTAINING SECURITY

Attempting, where possible, to maintain security is fine. There is probably a lot more that can be done.

Dealing with the groups involved in this type of activity on a more selective basis; that is, dealing with some, perhaps threatening others; but overall a politically more sophisticated attitude toward some of these groups may be useful. Attempting, where possible, to identify a tactic which might be of mutual concern to all nations and groups and get some sort of international agreement to outlaw it; that is useful.

That is about all that we can do in this regard.

We should also realize that we are dealing with a problem over which the United States has, first of all, very limited leverage. It is not as if we were dealing with a crime problem in this Nation where we have the possibility of capturing criminals, of trying them, of convicting those found guilty. Even when we do have that type of leverage, there are still 18,000 criminal homicides in this country every year.

There are thousands upon thousands of bank robberies. We have not solved those. What can be done to solve those?

You can make sure that the local police forces are effective; you can beef up security at banks. Beyond that, you can't do much more. It is something we are going to live with. Terrorism is a new form of warfare. It will continue. We are not going to be able to eliminate terrorism. All we are going to be able to do is to, a limited extent, minimize the damage against the United States and the damage to U.S. citizens.

So, I am not trying to avoid your question. I simply cannot give you answers. There aren't answers.

I could say, take a hard-line, crackdown on all this terrorism; that will do it. But I don't think that will do it.

I could say, solve all the grievances in the world. I don't think we can do that, either, not in less than 100 years. It is desirable but I don't think it can be done.

All we can do is provide limited protection for ourselves.

That may be an unsatisfactory answer.

DIRECT RESPONSES MAY INCREASE

Mr. GILMAN. In your text you say that "expanding terrorism, if the international response continues to be feeble, may further promote this type of direct response," which Israel has undertaken.

Mr. JENKINS. Yes; I think it may go in that direction.

Mr. GILMAN. Certainly this would seem to lend credence to try to do more at the international level than we have been doing.

Mr. JENKINS. Yes.

But doing more at the international level does not mean defining terrorism and then outlawing it. Two things can be done on the international level: One is to follow the tactic-by-tactic approach, selecting a specific tactic and trying for an accord on its legality. The second way is dealing bilaterally with some of the groups themselves. Some of these groups are almost governments, almost nations. They can be dealt with as such.

We can do a lot more things at the international level beyond simply going back to the U.N. every year or OAS every year with the latest draft of a broad, U.S.-backed convention condemning or outlawing terrorism, which we then try to get everybody to agree to. Last time around, 76 nations voted against such a measure.

PALESTINIANS HAVE SOME LEGITIMATE GRIEVANCES

Whether or not we can do much about it, the Palestinians do have some legitimate grievances. That does not mean that one should argue for the liquidation of Israel. The Israelis also have a right to exist in the world as a nation, regardless of the circumstances under which they came into existence.

But, there may be some ability to deal with the Palestinians and Palestinian terrorism. This is already recognized. We are beginning to live with it.

During Mr. Kissinger's recent round of shuttle diplomacy between Damascus and Tel Aviv, terrorism became an issue between the two sides, if I recall correctly. It was tacitly agreed that we would not attempt to get Syria to accept responsibility for preventing terrorist attacks against Israel, and, we would—I believe this was reported in the press—look the other way and accept the fact that when terrorist incidents did take place, Israel would retaliate.

That is an example of concentrating on achieving a broader, more important settlement while accepting the existence of lack of resolution on the specific issue of terrorism, in effect, living with it, as opposed to being hard nosed about it.

IS TERRORISM WARFARE?

Mr. GILMAN. I question whether we are proceeding in the right direction when we characterize most of terrorism as warfare as you are inclined to do from the tenor of your statement.

Actually, we are dealing with acts of violence that are crimes against society. There is no formal hostility.

I think when we characterize these as acts of warfare we are giving them a cloak of legality that really does not belong to the terrorists and to their acts of terrorism.

Would you care to comment on that?

Mr. JENKINS. There has been a great deal of warfare in this world which has been conducted without the benefit of formal declarations of war without the existence of formal hostilities; this was long before international terrorists entered the scene.

I don't think that the existence of formal hostilities is, in itself, a criterion for a qualification as a form of warfare.

SLA

Mr. GILMAN. Would you characterize the Symbionese Liberation Army as a group undertaking warfare with our country?

Mr. JENKINS. No, sir; I would not.

Calling terrorism a form of warfare does not legitimize it. Terrorism is used by a group which employs it as a form of warfare. To the degree that they have popular support, to the degree that they

have just grievances, these are also criteria by which its legitimacy is judged, not solely by being branded terrorism.

I personally do not consider the Symbionese Liberation Army to be waging war. I don't consider them to have popular support. I don't consider them to have a "legitimate" cause.

The legitimacy of the activities is also found to a degree in the cause and not simply the tactics, though I don't mean to say that the valid course justifies any means.

You mentioned another thing, whether or not these were acts of violence against society. Yes; they are sometimes against civilian targets; sometimes deliberately against civilian targets.

But acts of violence against civilian targets have frequently been a part of what we would call legitimate warfare. Certainly there are a number of bombing campaigns of World War II on both sides that were directed against civilian targets, indeed that were directed for the purpose of totally disorganizing society and of terrorizing a population into surrender. These would qualify as terrorism.

TERRORISM IS PART OF WARFARE

I am not legitimatizing terrorism by saying that it is a kind of warfare. There are many things that are parts of legitimate warfare that are just as illegitimate as terrorism. There are not always hard lines which define these; there are shadings.

Let me give you an example.

If one country provides military assistance and military advisers to another country engaged in an internal war against political opponents of that particular government, and those political opponents are engaged in some type of conventional warfare, guerrilla warfare, what-have-you, the military adviser may be, as a courtesy, extended diplomatic status and therefore is an internationally protected person.

However, to the insurgents, is he a legitimate target or not?

If I were one of the insurgents, I would say he certainly is a legitimate target, and if I kidnaped him or attempted to assassinate him I am simply doing it in the course of war; that man is my enemy.

It is a case that raises a number of problems; it is hard to define.

THE LOD AIRPORT EXAMPLE

On the other hand, coming to any country in the world or any airport and simply machinegunning passengers at random is clearly something different.

However, both of these acts, the kidnaping or assassination of a military attache and the machinegunning at Lod Airport, for example, are acts of international terrorism. They are quite different in terms of quality. In one case, we might say one is almost legitimate. The other, I think a vast majority of nations and revolutionary groups would categorize as illegitimate violence.

By calling terrorism a kind of warfare I have neither accorded it a legitimate status nor have I branded it to be totally illegitimate. It is extralegal or illegitimate, per se, only in the sense that the nations of the world presently recognize warfare only by those with governments, flags and armies. Perhaps 200 years ago the British thought

that standing behind trees was a form of illegitimate warfare, illegitimate because one did not stand in line.

Civilians are killed in regular wars; a lot more civilians are killed in regular wars than are killed by terrorists. That does not make either one of them legitimate.

Mr. GILMAN. Thank you.

Mr. HAMILTON. Mr. Wilson.

ARE DISTINCTIONS POSSIBLE?

Mr. WILSON. Mr. Jenkins, of course the gray areas are very difficult to sort out.

I think we could, without too much trouble, separate the civilians that are killed when two states are at war and indiscriminate bombing and the machinegunning of children who are held captive.

Mr. JENKINS. A distinction between civilians who are deliberately bombed and schoolchildren or—

Mr. WILSON. I would make a distinction, for instance, between the World War II bombing of Dresden, which is the worst example I can think of, and the killing of the civilians at My Lai.

Would you make that distinction?

Mr. JENKINS. I am not sure it is easy to make that distinction. I regard both of those acts as reprehensible.

Mr. WILSON. As atrocities.

Let us say the bombing of civilians killed in the bombing of Hamburg which was a more legitimate military target and the machinegunning of civilians at My Lai.

Mr. JENKINS. Civilians are killed inadvertently in the course of conventional war, which by its nature tends to be messy and indiscriminate; one could, I suppose, make a distinction between those civilians killed inadvertently and those who are deliberately killed.

Mr. WILSON. I mean helpless people who surrender in a ditch and you machinegun them.

MY LAI AND MAALOT

Mr. JENKINS. Yes. I don't think we can make a distinction between My Lai and Maalot.

Mr. WILSON. No; I don't, either. I agree with you.

Mr. JENKINS. I think both of those were acts of terrorism.

Mr. WILSON. They are identical situations. Really, I don't have any argument. I am just discussing a couple of things.

I attended the Red Cross—what do they call it?—Rules of War Convention this year, in which the United States found itself at odds with many of the third world countries because the third world countries wanted terrorists to be treated, captured terrorists, to be treated according to the Geneva Convention as prisoners of war. Of course, the United States would not accept that.

Would you like to address yourself to that?

Is a terrorist revolutionary who is captured either before or in the act of killing innocent civilian bystanders due to the sanctions of prisoners of war?

Mr. JENKINS. If in the course of his activities a terrorist has gone to another nation that is not a participant in the conflict—I think he is subject to local laws and not subject to the rules of warfare.

STATUS OF CAPTURED PALESTINIANS

Mr. WILSON. If the Israelis had captured the Palestinians at Maalot, would they deserve the treatment in accordance with the rules of war? Should they have been treated as prisoners of war or as murderers after killing the children?

Mr. JENKINS. I think in that particular case they would have an option either of being tried as war criminals or as common criminals—that could be the only distinction.

Mr. WILSON. However, that is the thesis maintained by most of the Third World countries and its catalyst Palestinians. They are supporting the Arabs and the Arabs are supporting the Palestinians.

Mr. JENKINS. We have a paradox in that the Arab States and the Palestinians have declared war on Israel and recognize the existence of a state of war. Israel recognizes the existence of a stage of peace. Therefore, the situation is asymmetrical.

I am not attempting to judge whether either position is legitimate or not. I am saying they have asymmetrical views of the struggle.

Mr. WILSON. Have you addressed yourself in your own mind to how much justification Israel has in its retaliation for massacre type terrorist raids?

LAW OF RETALIATION

Mr. JENKINS. In its own mind it has a great deal of justification. I think the point here is that both sides in this conflict, both the Israelis and the Palestinians—

Mr. WILSON. I think we can pretty well confine it to Palestinians.

Mr. JENKINS. Have some unique cultural and historical background which would tend to provide sanctions for that type of warfare.

I mentioned earlier the existence of an ancient Near Eastern law of retaliation which not only allows retaliation in kind but also demands it under forfeit of honor. Both sides seem to follow this.

There is also a body of international law that defines and deals with reprisals, that is, the use of force short of war to redress certain grievances. One would have to have an international lawyer, which I am not, to judge the validity of either sides claims, but there is the claim that the Israeli attacks are within that body of law dealing with reprisals, that this represents the use of force short of warfare for an act of violence against the State of Israel and therefore Israeli retaliation may have some international legitimacy.

There are also a number of things in the historical sense, also in the cultural sense and in the psychological sense, that support retaliatory violence—things that have been described as the “Masada Complex” of the Israelis, the cult of toughness, things that arise from the unique history of the Jews that lead to the attitudes expressed by groups such as the Jewish Defense League, the idea of “Never Again” will the Jews suffer without striking back. In sum there certainly is a great deal which provides a solid foundation at home and abroad for retaliatory violence.

Of course, the Palestinians take the position that their violence is equally retaliatory. It is retaliation for original crimes against them, the creation of Israel for one thing, and the expulsion beyond its borders of the original owners of that land, the Palestinian Arabs.

VOTING ON CONDEMNING VIOLENCE

Mr. WILSON. Of course, the United States is in a position of having to vote yes or no.

In your view, should the United States vote to sanction Israel?

When Israel retaliates for an admitted and bragged-about act of terrorism on the part of the Palestinians, should the United States vote to sanction only Israel?

There are all kinds of ways we can discuss it but we get down to having to say yes or no.

Mr. JENKINS. I realize that, but—I am afraid that such an issue is not decided on the international legitimacy or legalizing of any raid; the politics of the moment tend to decide those questions.

Mr. WILSON. From a moral standpoint.

Mr. JENKINS. From a moral standpoint, if we take a position against certain types of violence that we call terrorism, then I think on principle we are morally bound to condemn all acts of terrorism, whether or not they are carried out by commandos slipping underneath barbed wire or by phantom jets.

Mr. WILSON. In other words, if we are going to vote for a resolution that condemns one of the acts, if it was clearly brought about by another act, then we should insist that both acts be condemned?

Mr. JENKINS. Yes; I think that is probably the only proper thing.

It is, of course, asymmetrical in the sense that Israel, because it is a state and is represented in the U.N., does bear the burden of a U.N. sanction, of a condemnation having been voted against it, which is a burden that the Palestinians, having no state and no representation in the United Nations, do not have to bear.

By not having a state, they get away with a great deal more, which leads me again to the point that if there are ways of allowing such representation of such groups, there could also then be ways of rewarding or punishing those groups.

For example, if there was a Palestinian representation or at least representation of a people called Palestinians as opposed to a piece of territory called Palestine, then it could bear the burden of a condemnation vote in the U.N.

ISRAELI POLICY IN PERSPECTIVE

Mr. WILSON. Of course, I tend to think, as one who is generally a rather enthusiastic supporter of Israel, I tend to think they are overdoing it right now. Just from the pure world politics standpoint, they would be better off to gain sympathy and let it go. But from what you say about the law that exists in that part of the land being dishonorable and also local politics in Israel, I can also understand why they can't do that.

Mr. JENKINS. There is a great deal of popular support in Israel for very tough reactions.

Mr. WILSON. I understand. It is a big problem. There is popular support on both sides. They have justification for a little paranoia.

Mr. JENKINS. They do have reasonable justification for paranoia. I would agree with that.

The important thing we should realize, though, is that, while there may be small groups of extremists or guerrillas or commandos on both sides who actually carry out these missions, who pull the triggers, the real problem we are dealing with is not the small groups but the great deal of popular support on both sides for the continuation of that type of violence. And it is a lot harder to deal with the larger problem of popular support for this type of violence than it is to deal with the comparatively small military problems of little groups.

Mr. WILSON. Yes.

PROBLEM IN MIDDLE EAST

Mr. JENKINS. The real problem in the Middle East, I think, is popular support for terrorism and retaliatory violence. If one were able to attack that problem, then the actual problem of dealing with the terrorists, whatever they call themselves, becomes a relatively minor one.

Mr. WILSON. Do you think creation of a Palestine state on the West Bank or Gaza Strip will alleviate this or do you think it will make it worse?

Mr. JENKINS. I think the continuation of the present situation in which Palestinians live in the deplorable conditions of refugee camps, stateless, receiving very low incomes—we might say Palestinian ghettos—will sustain membership in terrorist organizations. Anything that is done to alleviate those conditions, whether it is creation of a Palestinian state or an agreement to absorb these people with some sort of recognized minority status some other state in the area, not necessarily an Arab state, perhaps even within Israel, will help. Israel is bringing a large number of Palestinians from the West Bank across the river daily to work in Israel where they receive better incomes. Certainly Israel has made improved conditions in areas that it has occupied.

The continuation of the present situation is only going to breed continued terrorism. Any alleviation of that will help, but it is not going to end terrorism.

There will always be the small groups that are left over after any major struggle. Whether they continue to carry a banner for Palestine or whether they go into local crime, there will always be some leftover people who simply do not readjust to the situation, who will go on with violence for a certain time.

But alleviating the refugee situation will have the effect of at least providing some alternatives, some options for young men in refugee camps now. And these are the recruiting grounds for the terrorist organizations.

Mr. HAMILTON. Are there further questions?

Mr. Jenkins, we thank you for your testimony.

DOMINICAN REPUBLIC EXPERIENCE

Mr. BINGHAM. Mr. Chairman, one second on another matter, with your permission.

I would very much like to know how Mr. Jenkins feels about the American operation in the Dominican Republic, of which he was a part.

Is that permissible?

Mr. JENKINS. I would have no objections provided it is understood I would be answering the question personally.

However, I would ask you to make the question a little more precise, considering the fact it is 20 minutes after 3 and we probably don't have several hours to talk about it.

Mr. BINGHAM. Let me ask it this way:

Was it necessary to send American troops in?

Mr. JENKINS. I don't know. I came to the Dominican Republic later. I was not on active duty when troops were first sent in and have not seen the information that led to the decisions at that time. So, I would not be able to comment on that.

Mr. BINGHAM. Thank you.

U.S. POLICY ON RANSOM

Mr. JENKINS. I would like, if I could, to come back to one point regarding U.S. policy on kidnaping specifically on the issue of ransom.

You have pointed out that the United States follows, for the most part, at least publicly, a no-ransom position.

I think, to be absolutely fair, one must point out that, despite that position, the United States has at least tacitly agreed to a number of arrangements, indeed has assisted in such arrangements that allowed U.S. diplomats when kidnaped to be returned alive and unharmed.

Mr. HAMILTON. Are you thing about the Patterson case?

Mr. JENKINS. I am thinking not only of the Patterson case. I am thinking also of others, for example, the case of Terrence Leonhardy, the U.S. consul general in Guadalajara.

While taking the position that the United States does not pay ransom, we also say that it is the responsibility of local governments to protect the lives of diplomats.

Mr. HAMILTON. So you think there is more flexibility in our policy than the public pronouncements would suggest?

Mr. JENKINS. I think there is.

Mr. HAMILTON. Thank you very much, Mr. Jenkins.

Your statement and your responses were excellent.

[Whereupon, at 3:25 p.m., the subcommittee adjourned.]

APPENDIX 1

Biographies of Witness

RICHARD A. FALK

Home: Princeton, N.J.
Business: Center of International Studies, 110 Corwin Hall, Princeton University, Princeton, N.J.
Date and Place of Birth: New York City, November 13, 1930.
Marital Status: Married; 3 sons.

Education

B.S. (economics), Wharton School, University of Pennsylvania, 1952.
LL.B., Yale Law School, 1955.
J.S.D., Harvard University, 1962.

Experience

1955-61: Assistant, then Associate Professor, College of Law, Ohio State University.
1956: Admitted to New York Bar.
1958-59: Ford Foundation Fellow, Harvard Law School.
1961-62: Visiting Associate Professor, Princeton University.
1962-65: Associate Professor of International Law, Princeton University.
1965: McCosh Faculty Fellow, Princeton University.
1965: Professor (Albert G. Milbank Professor of International Law and Practice), Princeton University.
1968-69: Fellow, Center for Advanced Study in the Behavioral Sciences, Stanford, Calif.

Principal professional activities

Vice President, American Society of International Law (1969-71).
Research Director, North American Team, World Order Models Project (1968-).
Co-Director, Project on the Future of the International Legal Order (1966-).
Editorial Board, *Foreign Policy Magazine* (1970-), and *American Journal of International Law* (1961-).
Chairman, Consultative Council, Lawyers' Committee on American Policy Toward Vietnam (1967-).
Member, Committee on the Environment, National Policy Council of the Democratic Party (1970-71).
Member, Executive Council, Federation of American Scientists (1969-71).
Member, Board of Directors, Foreign Policy Association (1969-72), Institute of World Order, (1972-).
Member, Board of Trustees, Fund for Peace (1970-) and Procedural Aspects of International Law Institute (1965-).

PUBLICATIONS

Books

Law, War and Morality in the Contemporary World, 120 pp., Praeger, 1963.
The role of Domestic Courts in the International Legal Order, 184 pp., Syracuse University Press, 1964.
Security in Disarmament, ed. with Richard J. Barnet, Princeton University Press, 1965.
The Strategy of World Order, ed. with Saul Mendlovitz, 4 Vols., New York, World Law Fund, 1966.

International Law and Organization: An Introductory Reader, ed. with Wolfram Hanrieder, 346 pp., Philadelphia, J. B. Lippincott Co., 1968.

Legal Order in a Violent World, 610 pp., Princeton University Press, 1968.

Neutralization and World Politics, with C. E. Black, Klaus Knorr and Oran R. Young, Princeton University Press, 1968.

The New States and International Legal Order, 102 pp., Leyden, A. W. Sijthoff, 1968.

Editor, *The Vietnam War and International Law*, Princeton University Press, Vol. I, 1968, Vol. II, 1969, Vol. III, 1972.

The Future of the International Legal Order, ed. with Cyril E. Black, Princeton University Press, Vol. I, 1969, Vol. II, 1970, Vol. III, 1971, Vol. IV, 1972.

The Status of Law in International Society, Princeton, Princeton University Press, 1970.

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Crimes of War, ed. with R. J. Lifton and G. Kolko, New York, Random House, 1971.

The International Law of Civil War, ed., Baltimore, Johns Hopkins University Press, 1971.

Chapters in Books

"Jurisdiction, Immunities and Acts of State: Suggestions for a Modified Approach," in *Essays on International Jurisdiction*, 1961.

"Revolutionary Nations and the Pattern of International Legal Order," 310-31, in *The Revolution in World Politics*, ed. Morton A. Kaplan, John Wiley, 1962.

"Space Espionage and World Order: A Consideration of the Samos-Midas Program, 45-82 in *Essays on Espionage and International Law*, Ohio State U. Press.

"The Legitimacy of Legislative Intervention by the United Nations," 31-62, in *Essays on Intervention*, ed. R. J. Stanger, Ohio State U. Press, 1964.

"Janus Tormented: The International Law of Internal War," 185-248, in *International Aspects of Civil Strife*, ed., J. N. Rosenau, Princeton University Press, 1964.

"Toward a Responsible Procedure for the National Assertion of Protested Claims to Use Space," 91-120, in H. Taubenfeld, ed., *Space and Society*, 1964.

"World Law and Human Conflict," 227-249, in Elton B. McNeil, ed., *The Nature of Human Conflict*, Englewood Cliffs, N.J., Prentice-Hall, Inc., 1965.

"The Sabbatino Controversy," 1-70, in Lyman M. Tondel, Jr., ed., *The Aftermath of Sabbatino*, Background Papers and Proceedings of the Seventh Hammaraskjold Forum, Dobbs Ferry, N.Y., Oceana Publications, Inc., 1965.

"World Revolution and International Order," 154-177, in *Revolution*, NOMOS VIII, 1966.

"Confrontation Diplomacy: Indonesia's Campaign to Crush Malaysia," 127-174, in Lawrence Scheinman and David Wilkinson, *International Law and Political Crisis: An Analytic Casebook*, Boston, Little, Brown and Co., 1968.

"International Law and the Conduct of the Vietnam War," 22-27, in *In the Name of America*, New York, Clergy and Laymen Concerned About Vietnam, 1968.

"Stress-Seeking and the Legal Order: Some Positive Correlations," 239-263, in Samuel Z. Klausner, ed., *Why Man Takes Chances*, Garden City, New York, New York, Doubleday and Co., 1968.

"Restraining United States Policy, 54-72, 79-80, in *New Directions in U.S. Foreign Policy*, Foreign Policy Association, New York.

"External Legitimacy and Developing Nations," in Willard A. Beling and George O. Totten, eds., *Developing Nations: Quest for a Model*, 226-243, New York, Van Nostrand, Reinhold, 1970.

"The Bierut Raid and the International Law of Retaliation," reprinted in Morton A. Kaplan, ed., *Great Issues of International Politics*, 32-61, Chicago, Aldine Publishers, 1970.

"Preface," in Minerva M. Etzioni, *The Majority of One*, 9-14, Beverly Hills, Calif., Sage Publications, 1970.

"Renunciation of Nuclear Weapons Use, in Bennett Boskey and Mason Willrich, eds., *Nuclear Proliferation: Prospects*, 133-145, New York, Dunellen, 1971.

"Bipolarity and the Future of World Society," *How Is an Effective and Desirable World Order Possible?*, edited by Landheer, Loenen, and Polak. The Hague: Nijhoff (1971) pp. 103-114.

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"The Trend Toward World Community: An Inventory of Issues," *The Search for World Order*, edited by Lepawsky, Buehrig, and Lasswell. New York: Appleton-Century-Crofts (1971) pp. 353-370.

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"Zone II as a World Order Construct," *The Analysis of International Politics*, edited by J. N. Rosenau, V. Davis, and M. A. East. New York: Free Press (1972) pp. 187-206.

Articles

1959

"The United States and the Doctrine of Nonintervention in the Internal Affairs of Independent States," *Howard Law Journal*, V (June 1969), 163-189.

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"Some Criticism of C. Wilfred Jenks' Approach to International Law," (with Saul H. Mendlovitz), *Rutgers Law Review*, XIV (Fall 1959), 1-36.

"The Relevance of Contending Systems of Public Order to the Delimitation of Legal Competence," *Proceedings of the American Society of International Law* (1959), 173-182.

1961

"American Intervention in Cuba and the Rule of Law," *Ohio State Law Journal*, XXVII (Spring 1961), 546-585.

"The Relations of Law to Culture, Power, and Justice," *Ethics*, LXII (October 1961), 12-27.

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1962

"The Predicament of Edmond Cahn," *Howard Law Journal* (Spring 1962).

"Historical Tendencies, Modernizing and Revolutionary Nations and the International Legal Order," *Howard Law Journal*, 8 (1962), 128-151.

1963

"Some Thoughts in Support of a No-First-Use Proposal," 37-56, in *Proposal for No First Use of Nuclear Weapons*, published by the Center of International Studies (Princeton University) as Policy Memorandum 28, September 1963.

1964

"The Adequacy of Contemporary Theories of International Law—Gaps in Legal Thinking," *Virginia Law Review*, L (1964).

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"The Role of Domestic Courts in the International Legal Order," *Indiana Law Journal* (1964), 429-445.

1965

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1965-66

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"The Shimoda Case: A Legal Appraisal of the Atomic Attacks upon Hiroshima and Nagasaki," *American Journal of International Law*, Vol. 59, No. 4 (October 1965), 759-793.

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1968-69

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"The Beirut Raid and the International Law of Retaliation," *American Journal of International Law*, Vol. 63, No. 3 (July 1969), 415-443.

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"Law, Lawyers, and the Conduct of American Foreign Relations," *Yale Law Journal*, Vol. 78, No. 6 (May 1969), 919-934.

"World Population and International Law," (editorial comment), *American Journal of International Law*, Vol. 63, No. 3 (July 1969), 514-520.

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1970-71

- "The American POWs: Pawns in Power Politics," *The Progressive* (March 1971) 13-21; *Congressional Record*, CXVII (March 11, 1971), 1-3.
- "The Cambodian Operation and International Law," *American Journal of International Law*, 65 (January 1971), 1-25.
- "Drifting Toward Armageddon," *The Progressive* (October 1970), 48-54.
- "Naciones Unidas: Varios Sistemas de Operación," *Foro Internacional*, 2 (1970), 139-159.
- "The Nuremberg Tradition," *Intercom*, 13 (Jan./Feb. 1971), 29-32.
- "Realistic Horizons for International Adjudication," *Virginia Journal of International Law*, 11 (May 1971), 314-326.
- "Toward Equilibrium in the World Order System," *Proceedings of the American Society of International Law* (September 1970), 217-224.
- "U.S., U.S.S.R., and World Environment," *University* (Spring 1971), 19-24.
- "War Crimes and Individual Responsibility: After the Calley Verdict," *Church and Society* (May/June 1971), 23-32, 61-62.
- (with Rennie Davis and Robert Greenblatt) "The Way to End the War: The Statement of Ngo Cong Duc," *New York Review of Books* (Nov. 5, 1970), 17-18.
- "What We Should Learn from Vietnam," *Foreign Policy*, 1 (Winter 1970), 98-114.
- "Why Impeachment?" *The New Republic* (May 1, 1971), 13-14.

1971-72

- Environmental Policy as a World Order Problem; *Natural Resources Journal*, vol. 12 (April 1972) pp. 161-171.
- Ho Chi Minh: The Father of His Country; *Harrisburg Independent Press* (Jan. 13-19, 1972) p. 4.
- Myres S. McDougal: Pioneer for the Year 2010; *Denver Journal of International Law and Policy*, vol. 1 (Fall 1971) pp. 13-16.
- The Nearness of Armageddon; *The Progressive* (September 1971) pp. 45-46.
- A note on Wolfgang Friedman's Notion of Law and Force in International Affairs; *Columbia Journal of Transnational Law*, vol. 10 (1971) pp. 12-15.
- Nuremberg: Past, Present, and Future; *Yale Law Journal* (June 1971) pp. 1501-1528.
- The Place of Policy in International Law; *Georgia Journal of International and Comparative Law*, vol. 2, supp. 2 (1972) pp. 29-34.
- Son My: War Crimes and Individual Responsibility; *Toledo Law Review* (Fall-Winter 1971) pp. 21-41.
- Toward a New World Order; *New Priorities*, vol. 1 (Fall 1971) pp. 15-19.
- Toward a World Order Respectful of the Global Ecosystem; *Journal of Environmental Affairs*, vol. 1 (June 1971) pp. 251-265.
- War Crimes, Just and Unjust Wars, and Comparisons Between Nuremberg and Vietnam; *Columbia Journal of Law and Social Problems*, vol. 8 (Fall 1971)

HON. LEWIS HOFFACKER

SPECIAL ASSISTANT TO THE SECRETARY OF STATE AND COORDINATOR FOR COMBATING TERRORISM

Mr. Hoffacker was born in Glenville, Pa., on February 11, 1923. He received a bachelor's degree from George Washington University in 1948 and a master's degree from Fletcher School of Law and Diplomacy in 1949, both in international affairs. During World War II he served as an Army lieutenant in the Pacific Theater.

His Foreign Service experience has included the following assignments:

1949-51: Greek desk, Department of State.

1951-53: Embassy in Tehran, Iran.

Summer 1953: Middle East seminar, American University, Beirut.

1953-55: Consulate General in Istanbul, Turkey.

1955-57: Egyptian-Sudanese desk, Department of State.

1957-58: Ceylonese desk, Department of State.

Summer 1958: Study tour of Black Africa.

1958-60: Embassy in Paris.

1969-61: African Area Studies course at Oxford University, England.
 1961-62: Consulate in Elisabethville (Lubumbashi), Congo (Zaire).
 1962-63: Embassy in Leopoldville (Kinshasa), Congo (Zaire).
 1963-64: National War College.
 1964-65: Deputy Executive Secretary and Director of the Operations Center, Department of State.
 1965-69: Deputy Chief of Mission, Embassy in Algiers, Algeria (Last two years as Chief of the U.S. Interests Section, Swiss Embassy).
 1969-72: Ambassador to Cameroon and Equatorial Guinea.
 1972-73: Political Adviser to Commander-in-Chief Atlantic and Supreme Allied Commander Atlantic, Norfolk, Va.
 1973- : Special Assistant to the Secretary of State and Coordinator for Combatting Terrorism.
 Ambassador Hoffacker is married to the former Constance Alling. They have two daughters, Anne and Rebecca.

BRIAN M. JENKINS

One of the first analysts to report on urban guerrilla warfare and international terrorism, Brian Jenkins is currently engaged in research on political conspiracy and violence, guerrilla warfare, and international terrorism.

Having begun his career as a painter, Jenkins studied at the Chicago Art Institute and the American Academy of Art and earned his B.A. in fine art from the University of California, Los Angeles, in 1962, at the age of nineteen. While he was painting and studying at the University of Guanajuato in Mexico, however, the young artist realized his interest in more academic knowledge. He returned to UCLA for a master's degree in history (1964). A Fulbright Fellowship enabled Jenkins to attend the University of San Carlos in Guatemala, where he researched the history of antigovernment conspiracies, remaining a second year on a research grant from the Organization of American States.

Having been commissioned in the Army Reserve upon his UCLA graduation, Lieutenant Jenkins went on active duty shortly after his return from Guatemala. He became a paratrooper, volunteered for the Green Berets in January 1966, and served with the 7th Special Forces group in the Dominican Republic as part of the Inter-American Peace Force of the OAS. When the forces were withdrawn later in 1966, he was ordered to the Defense Language Institute at Monterey to learn Vietnamese, then assigned to the 5th Special Forces Group in Vietnam. Captain Jenkins remained there a year, winning two Bronze Stars and a Vietnamese Cross of Gallantry.

Jenkins returned to UCLA in 1968 to work on his Ph. D. in history, specializing in the study of conspiracy and revolution, and became a Rand consultant in March (he is now a staff member). That October he was back in Vietnam as a civilian member of the Long Range Planning Task Group at MACV headquarters in Saigon, remaining in Southeast Asia until July 1969, and returning that November and again for four months in 1971. Jenkins was the first person in Vietnam to receive the Department of the Army's highest award for Outstanding Civilian Service, awarded for his service on the Planning Group.

Jenkins' reports and articles have been published or quoted in the *Encyclopaedia Britannica*, *Time*, the *New Yorker*, *Der Spiegel*, the *Washington Post*, *New York Times*, *Los Angeles Times*, and other newspapers. His open publications on Vietnam include *Why the North Vietnamese Will Keep Fighting* (P-4395), *Giap and the Seventh Son* (P-4851), *Forecasting Vietnam's Future* (P-4904), *After the War* (P-4996), and "A Route for the Enemy to Escape"—*Hanoi's View of the Ceasefire* (P-5012).

Among Jenkins' more important unclassified publications on Vietnam are *A People's Army for South Vietnam: A Vietnamese Solution*, P-897-ARPA, November 1971, and *The Unchangeable War*, RM-6278-ARPA, September 1972, both sponsored by the Defense Advanced Research Projects Agency.

His *The Five Stages of Urban Guerrilla Warfare: Challenge of the 1970s* (P-4670) appeared in July 1971, followed by *An Urban Strategy for Guerrillas and Governments* (P-4670/1) in August 1972. The latter presents a five-stage strategy by which guerrillas could take over a city, and suggests counter-measures by which the government can out-mobilize and out-persuade as well as outfight the revolutionaries. These papers became part of the curriculum at the U.S. Army Institute for Military Assistance in 1972 and at The National

War College in 1973. More recently, he has written *Soldiers Versus Gunmen: The Challenge of Urban Guerrilla Warfare* (P-5182), which examines the progress or lack of progress made by urban guerrilla movements in the first third of the present decade.

His most recent unclassified publication on international terrorism is *Terrorism Works—Sometimes* (P-5217), which examines the objectives of terrorism and some recent trends.

ERNEST W. LEFEVER

Personal

Born November 12, 1919; married; two children. Home: Chevy Chase, Md.

Present positions

1. Senior Fellow, Foreign Policy Studies, Brookings Institution, Washington, D.C., full time since 1964.
2. Adjunct Professor of International Affairs, American University, Washington, D.C., part time since 1958.

Education

1. Elementary and Secondary: Public Schools, York, Pa., 1924-37.
 2. Elizabethtown College, Elizabethtown, Pa., A.B., 1942.
 3. Yale University Divinity School, B.D., 1945.
 4. Yale University Graduate School, Ph. D., 1945.
- Academic honors at Yale: University Scholar, 1949-50; Junior Sterling Scholar, 1950-51; Junior Sterling Fellow, 1951-52; Kent Fellow, 1950.

Previous positions

1. Senior Staff, Arms Control Research, International Studies Division, Institute for Defense Analyses, Washington, D.C., 1961-1964. (Project Director, research, Department of Defense.)
2. Research Associate, Washington Center of Foreign Policy Research, Johns Hopkins University, Washington, D.C., 1960-1961.
3. Foreign Relations Specialist on staff of Senator Hubert H. Humphrey, Washington, D.C., 1959-1960.
4. Research Staff and Acting Chief, Foreign Affairs Division, Legislative Reference Service, Library of Congress, Washington, D.C., 1957-1959.
5. Teaching Faculty, Department of Government and Politics, University of Maryland, College Park, Maryland, 1956-1957.
6. Research Associate, School of Advanced International Studies, Johns Hopkins University, Washington, D.C., 1955-1956. (Spent a year working with Paul H. Nitze.)
7. Associate Executive Director, Department of International Affairs, National Council of Churches, New York, N.Y., 1952-1954.
8. Field Secretary, War Prisoners' Aid, World Alliance of YMCA, working in Britain and West Germany, 1945-1948.

Consultantships

1. Consultant, Research Analysis Corporation, McLean, Va., 1970-1972.
2. Consultant, Battelle Memorial Institute, Columbus, Ohio, 1969 to present.
3. Consultant, Operations and Policy Research, Inc., Washington, 1958 to present. (Reviewing books for the U.S. Information Agency.)
4. Consultant, Institute for Defense Analyses, Washington, 1964-1967.
5. Participant, Africa Study Group, Council on Foreign Relations, 1967-1968.
6. Consultant to U.S. Disarmament Administration, State Department, 1961.
7. Member, President-elect Kennedy's Task Force on Disarmament, 1960-1961.
8. Consultant on Arms Control Research, International Affairs Division, Ford Foundation, New York, N.Y., 1960.
9. Washington Consultant, Council on Religion and International Affairs, 1958-1964.
10. Editorial Board, *World Affairs*, Washington, 1969 to present.

Publications

Books

- (These books have been used widely in U.S.I.A. Libraries abroad.)
1. *Ethics and United States Foreign Policy*, World, 1957. (Seven printings.)
 2. *The World Crisis and American Responsibility*, editor, Association Press, 1958. (Chinese, Japanese, Pak-Bengali, and Portuguese eds.)

3. *Profile of American Politics*, co-author, Houghton Mifflin, 1960.
4. *Arms and Arms Control*, editor, Praeger, 1962. (Two printings.)
5. *Crisis in the Congo: A U.N. Force in Action*, Brookings, 1965.
6. *Uncertain Mandate: Politics of the U.N. Congo Operation*, Johns Hopkins Press, 1967.
7. *Spear and Scepter: Army, Police, and Politics in Tropical Africa*, Brookings, 1970.
8. *Ethics and World Politics: Four Perspectives*, editor, Johns Hopkins, 1972.

Articles and Chapters

Approximately 50 articles, 10 chapters in larger works, and many book reviews on foreign policy questions, including the following periodicals:

Africa Report; Annals of the American Academy; American Political Science Review; Catholic World; Christian Century; International Journal (Toronto); Interplay; Journal of Politics; Orbis; Reporter; Review of Politics; Saturday Review; Survival (London); Washington Post; Washington Star; Worldview; and World Affairs (Washington).

BERT B. LOCKWOOD, JR.

Born: February 12, 1944.

Education: St. Lawrence University, B.A., 1966; Syracuse University, J.D., 1969; and University of Virginia, LL.M., 1971.

Professional Associations: Procedural Aspects of International Law Institute (Assistant Director); American Society of International Law; International Law Association (American Branch); and American Civil Liberties Union.

Employment: Senior Fellow, Center for International Studies, New York University.

EUGENE H. METHVIN

Eugene H. Methvin was born on September 19, 1934, in Vienna, Ga., where his father was a country weekly editor and publisher of *The Vienna News*. Since his father's death in 1953, his mother has continued to operate the paper and has won Georgia Press Association prizes for "most fearless editorial" in a duel with the White Citizens Councils, and for general excellence.

Methvin began his journalism education by sleeping on a bale of newsprint every Thursday night while his parents met the weekly deadline. At the age of four, he got into a bucket of ink behind the family's flatbed cylinder press, and not even a gasoline bath could get all the printer's ink out of him. He started as a reporter (leg-man only) before he could write, for at the age of five he would wander around the streets of his hometown with pad and pencil asking residents to write down their news for him. Vienna, with a population of 2000, was a two-newspaper town in those days, chiefly as a result of his father's differences with a number of courthouse officials over lynching, expressed in front-page editorials. In this fiercely competitive situation, the younger Methvin very early demonstrated superior talents for journalism, judging by the story homeowners tell about him. Once while covering his beat, he encountered an assembly of grown-ups in one store gathered around the cracker barrel, and they offered a number of humorous quotes about the alleged superiorities of the opposition newspaper. Reporter Methvin promptly provided editorial comment: "Y'all are just a bunch of old damn fools," he declared. Whereupon he looked up and saw the town's Baptist preacher standing in the circle, and so he quickly amended his copy: "All 'cep you, 'cause you work in the church-house." Which, the preacher later declared from the pulpit, proved the youngster would make a good editor "because he knows who to call a damn fool and who to let alone."

Methvin studied journalism at the University of Georgia School of Journalism. On campus he lettered in football and debate and belonged to Sigma Nu fraternity and Sigma Delta Chi, professional journalism society, which named him the most outstanding male graduate of 1955. He was also a member of Phi Beta School of Law.

Kappa and worked briefly as a reporter on The Atlanta Constitution. He graduated with a Bachelor of Arts in Journalism degree, cum laude, with a supplementary major and postgraduate study in law at the University of Georgia.

After graduate he spent three years in the U.S. Air Force as a jet fighter pilot, flying the F86 and F-102 all-weather interceptors. In 1958 he joined the Washington Daily News as a general assignment reporter. He did graduate study in philosophy and international relations at the Youngstown, American and George Washington universities. In 1960 he joined the Reader's Digest Washington bureau. He is at present a senior editor of the magazine.

An article by Methvin in the January 1965 Reader's Digest, "How the Reds Make a Riot," won for the magazine the coveted award for public service in magazine journalism given annually by Sigma Delta Chi.

Methvin has written two books, *The Riot Makers—The Technology of Social Demolition* was published in 1970 by Arlington House (81 Centre Avenue, New Rochelle, N.Y.). Commented the *Publisher's Weekly*, "Methvin's detailed study of the mass manipulations of crowds for disruptive ends carries conviction and is consistently interesting, at times engrossingly dramatic." Walter Trohan in the *Chicago Tribune* called it "one of the most important studies undertaken of our contemporary society. No one can pretend to discuss this problem until he has read this book." Says Morris Ernst, author, columnist and veteran civil liberties lawyer, "Having spent much of my life in defense of the use of reason as opposed to decision by violence, I consider this book the most important contribution of the last few years to the cause of the First Amendment."

Methvin's second book, *The Rise of Radicalism—The Social Psychology of Messianic Extremism*, is a 1973 Arlington House publication.

Mr. Methvin is a past president of the SDX Washington Professional Chapter, a former member of the organization's national board of directors. He has been a frequent guest lecturer on the technology of mass manipulation, social demolition and organizational warfare at the International Police Academy (Agency for International Development) in Washington, D.C. He and his wife, the former Miss Barbara Lester of Byromville, Ga., live at 8111 Old Georgetown Pike in McLean, Va.

JOHN B. WOLF

Dr. John B. Wolf is Chairman of the Department of Criminal Justice at Union College. He acts also as a consultant to various metropolitan police agencies including the New York City Police Department where his duties included the coordination of the strategic analysis function of the Public Security Unit and the development of input procedures for a computerized information system, for the Intelligence Division. This July he will assume duties as consultant to the Union County (New Jersey) Organized Crime Strike Force. Formerly he served as the Systems Analyst with New Jersey's State Law Enforcement Planning Agency, coordinating formulation of a systems master plan and supervision of all criminal justice management information systems funded by the agency.

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APPENDIX 2

INTERNATIONAL TERRORISM, ISSUE BRIEF No. ib74042, THE LIBRARY OF CONGRESS, CONGRESSIONAL RESEARCH SERVICE, ISSUE BRIEFS SYSTEM

ISSUE DEFINITION

International terrorism may be defined as politically and socially intolerable violence conducted outside the territories or parties to a conflict or directed against the citizens or property of a third party. It is effective because of the fear it generates and thrives on publicity. Forms of terrorism include aircraft hijackings, attacks on airplane passengers, kidnappings, seizure of hostages for ransom, assassinations, and bombings. The victims of these attacks are usually civilians.

BACKGROUND AND POLICY ANALYSIS

The issues affecting the United States are the safety of American travelers, businessmen, and diplomats abroad, as well as U.S. internal security. The pattern of international terrorism has become increasingly diversified and widened in scope. Terrorist movements are using new methods of violence for new purposes, their activities are more geographically widespread, and cooperation among different terrorist groups is growing.

Two currently prominent terrorist organizations causing international concern are the Argentine "People's Revolutionary Army" and the "Popular Front for the Liberation of Palestine." Kidnapings of foreign businessmen and diplomats have become endemic in Latin America. In Argentina, alone, at least 170 people were kidnaped in 1973, and a rumored \$400 million has been paid in ransom. In March, 1974, an American multinational corporation paid a record \$14.2 million in ransom for one of its executives in Argentina. Terrorism has also recently spread to Mexico.

Although the hijacking trend is decreasing, 140 airline passengers and crew were killed by terrorists in 1972, and in December 1973, 32 people were killed in a Palestinian attack on a Pan American airliner at the Rome airport.

Following a pattern of increased terrorism accompanying significant developments toward peace in the Middle East, Palestinian terrorist attacks on Israeli villages bordering Lebanon coincided with Secretary of State Kissinger's apparent progress in negotiating an Arab-Israeli settlement. In April 1974, 18 Israelis were killed in an attack by the Popular Front for the Liberation of Palestine (PFLP)-General Command on the village of Kiriya Shmoneh. In May, at least 25 were killed and 70 wounded, the majority high school students, when a terrorist commando group, reportedly affiliated with the Popular Democratic Front for the Liberation of Palestine (PDFLP) attacked Maalot and seized 90 children as hostages. In both of these cases the terrorists were killed by the Israeli army. In most recent attack, the Israeli Government for the first time expressed a willingness to comply with terrorist demands for the release of prisoners. However, when communications between the Government and the terrorists broke down shortly before the deadline was to expire, Israeli soldiers moved in. Israel retaliated the next day by bombing Palestinian refugee camps in Lebanon, causing heavy casualties.

Since 1968, 50 American citizens, including 11 U.S. officials, have been killed in terrorist attacks in foreign countries. The United States has almost entirely halted the hijacking of airliners from U.S. territory, but the recent kidnapping of Patricia Hearst by the "Symbionese Liberation Army" raises the question of U.S. vulnerability to the importation of this form of terrorism or its imitation by criminal elements. The U.S. Atomic Energy Commission recently released a study citing the danger of theft of nuclear materials by terrorist organizations. The House Committee on Internal Security is currently holding public hearings on terrorism. In addition to domestic implications, the prevention of terrorism against U.S. citizens, officials, and property abroad is a major foreign policy objective.

All nations are vulnerable to terrorist attacks, which are a serious danger to international transportation, communication, commerce, and even to diplomatic relations. Both preventive measures and punishment of the terrorists themselves are complicated when attacks occur under the jurisdiction of third states, and/or when the terrorists are granted asylum by sympathetic states. There appear to be two basic approaches to the problem:

- (1) Unilateral improvement of internal security.
- (2) Collective international action to punish terrorists as a deterrent to future violence.

The United States has been a leader in anti-terrorist policy. In September 1972, the President established a Cabinet Committee to Combat Terrorism. Visa, immigration, and customs procedures were tightened. The Federal Aviation Administration (FAA) established strict airport security measures. Federal protection of foreign officials was increased as a result of the signing into law of P.L. 92-539 (Oct. 24, 1972).

There have been no successful hijackings from U.S. airports since November 1972; up to that time, there were 85 successful attempts, most involving diversion of aircraft to Cuba. This reversal is attributable both to improved airport security and to the negotiation of an extradition agreement with Cuba in February 1973. The United States has renegotiated several bilateral extradition treaties to include terrorist offenses, but no agreements are foreseen with any other major sanctuary nations.

The United States has taken steps to improve security at U.S. installations abroad in order to protect American diplomats; the Department of State Appropriations Authorization Act of 1973 provided \$40 million for "protection of personnel and facilities from threats or acts of terrorism." The State Department also advises American businessmen on security measures. U.S. policy is to resist giving in to terrorist extortion or blackmail or paying ransom for the release of hostages. The Government believes that firmness and punishment of terrorists tends to discourage future violence.

Other nations have responded variously. Israel follows a hard-line policy to the extent of employing counter-violence. However, many nations have given in to terrorist demands, notably West Germany, Mexico, and Haiti. In general, foreign airport security measures do not meet U.S. standards. Arab states, while formally disapproving of terrorism, continue to furnish sanctuary for Palestinian hijackers. No hijacker has ever been executed.

The United States has encouraged multilateral action against terrorism, particularly in the United Nations and in its specialized Agency, the International Civil Aviation Organization (ICAO). Three treaties dealing with the protection of international civil aviation negotiated under the auspices of ICAO are now in force:

- (1) The 1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft;
- (2) The 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft; and
- (3) The 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aircraft.

Amplifying the Tokyo Convention, the Hague and Montreal Conventions classify air piracy as an international crime and provide for the extradition or prosecution of hijackers. The Montreal Convention expands the offenses covered to include sabotage. Attempts to make these agreements more effective by providing for sanctions against nations that harbor hijackers have failed. The most recent example was an extraordinary ICAO session and an International Conference on Air Law, which met simultaneously in Rome, Aug. 23-Sept. 21, 1973.

Legislation implementing the Hague Convention has been considered in both the 92nd and 93rd Congresses, but has not become law. In December 1972, the FAA issued regulations requiring baggage and passenger screening and the provision of airport security officers by local airports. In January 1974, the FAA proposed additional regulations requiring the use of security programs by foreign airlines operating in the United States (39 FR 3293-3294, 6619). The FAA is now analyzing comments from foreign air carriers and Governments.

Two treaties concerning the protection of diplomats from terrorism have been signed but are not in force. In 1971, the Organization of American States adopted a Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance. In September 1972, the killing of 11 Israeli athletes at the Olympic

Games in Munich prompted U.N. action on other forms of terrorist attack. Secretary-General Kurt Waldheim requested that terrorism be placed on the agenda of the General Assembly. The United States also proposed a draft convention to prevent acts of terrorism.

However, the opposition of third world states led by Algeria deferred action to an Ad Hoc Committee on International Terrorism, which met in the summer of 1973, but failed to agree on recommendations. Nevertheless, a more limited Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, worked out in the Legal Committee and the International Law Commission, was approved by the General Assembly December 14, 1973. The Convention establishes legal mechanisms requiring prosecution or extradition of persons alleged to have committed serious crimes against diplomats, including murder, kidnaping, violent attacks, threat of attack, or attempts to attack.

Twenty-two ratifications are needed before the treaty goes into effect. The United States is the only state to have signed the convention. The U.S. State and Justice Departments are in the process of drafting implementing legislation, which would amend Title 18 of the U.S. Code. Adoption of this legislation would also result in U.S. ratification of the OAS Convention.

LEGISLATION

S. 39 (Cannon)

Similar to S. 2280 passed by the Senate during the 92nd Congress. Title I, the Anti-Hijacking Act, would implement the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft. It also authorizes the President to suspend civil air traffic with any foreign nation which does not abide by the Hague Convention or to any nation which continues to provide air service to a nation encouraging hijacking. The Secretary of Transportation is also authorized to restrict the operations of foreign air carriers when their governments do not maintain adequate security standards. Title II, the Air Transportation Security Act, requires the Administrator of the FAA to prescribe certain security regulations for searching passengers and baggage. It would also establish a Federal Air Transportation Security Force, under the FAA. The Government would be prohibited from requiring local or State law enforcement officers to assist in this program, as is now done under the authority of an FAA regulation (effective Feb. 6, 1973).

(Formerly H.R. 3858 Staggers)

House version of S. 39. Title I is similar to the Senate version, except that it provides for an automatic death penalty in certain cases of hijacking, in particular where a death has resulted. Title II differs from the Senate version in that it provides for airline screening of passengers and requires U.S. airport operators to maintain adequate security programs and enforcement personnel. FAA personnel might be used under certain circumstances. The FAA would have exclusive jurisdiction over cases of hijacking.

S. 872 (Hruska)

The "Aircraft Piracy Amendments of 1973", similar to S. 2567, which passed the Senate during the 92nd Congress. It would amend Titles 18 and 49 of the U.S. Code to facilitate prosecution for crimes and offenses committed on board aircraft, including threats of hijacking or destruction and giving false information.

S. 1426/H.R. 6607 (Hruska/Rodino, by request)

To implement the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aircraft by amending the Federal Aviation Act of 1958 and Title 18, Section 32, of the U.S. Code. Describes offenses with respect to destruction of aircraft or aircraft facilities and provides for punishment.

HEARINGS

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Transportation and Aeronautics. Anti-hijacking Act of 1973. Hearings, 93d Congress, 1st session, on H.R. 3858, H.R. 670, H.R. 3853, and H.R. 4287. Washington, U.S. Govt. Print. Off., 1973. Part 1. 425 p. Part 2. 470 p.

Hearings held Feb. 27, 28; Mar. 1, 6, 7, 8 [and] 9, 1973. "Serial No. 93-10" U.S. Congress. Senate. Committee on Commerce. Subcommittee on Aviation.

The Administration's emergency anti-hijacking regulations. Hearings, 93d Congress, 1st session. January 9 [and] 10, 1973. Washington, U.S. Govt. Print. Off., 1973. 95 p.

"Serial No. 93-1"

— Anti-hijacking Act of 1971. Hearings, 93d Congress, 1st session, on S. 2280, S. 2299, S. 3815, and S. 3871. Washington, U.S. Govt. Print. Off., 1973. 144 p.

Hearings held Mar. 6, June 29 [and] August 13, 1972. "Serial No. 92-97" U.S. Congress. Senate. Committee on Foreign Relations. Aircraft hijacking convention. Hearings, 93d Congress, 1st session, on Executive A., June 7 [and] July 20, 1971. Washington, U.S. Govt. Print. Off., 1971, 99 p.

CHRONOLOGY OF EVENTS

May 15, 1974—Three terrorists reportedly representing the Popular Democratic Front for the Liberation of Palestine attacked the Israeli village of Maalot and seized the high school. At least 25 Israelis were killed and 70 wounded, almost all school children.

April 12, 1974—USIS Official in Cordoba, Argentina, kidnaped by ERP; seriously wounded in attack and released immediately.

April 11, 1974—Popular Front for the Liberation of Palestine (PFLP) attacked village of Kiriya Shmoneh and killed 18 Israelis, including 16 civilians; Israelis retaliated with raid in Lebanon.

March 22, 1974—U.S. consular official kidnaped in Hermosillo, Mex., by "People's Liberation Army of Mexico." \$500,000 ransom demanded.

February 4, 1974—In England, time-bomb exploded in bus filled with British servicemen and families, killing 11 and wounding 14.

December 28, 1973—United States signed Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

December 20, 1973—Premier Luis Carrero Blanco of Spain assassinated in Madrid; Basque separatist movement (ETA) blamed.

December 18, 1973—Irish Republican Army (IRA) bomb attacks injured 60 people in London.

December 6, 1973—Victor E. Samuelson, Exxon oil executive, kidnaped by "People's Revolutionary Army" of Argentina (the ERP, or "Ejército Revolucionario del Pueblo"). He was finally released the end of April and returned to the United States after payment by his company of a record \$14.2 million ransom.

November 22, 1973—John A. Swint, General Manager of a Ford subsidiary in Argentina, assassinated; Ford removed 22 U.S. executives from Argentina.

September 28, 1973—Black September terrorists kidnaped three Soviet Jews and Austrian customs official in Austria; released hostages after Austrian government agreed to close facilities for Soviet Jews emigrating to Israel.

August 5, 1973—Black September commandos attacked Athens airport, killing 5 and wounding 55.

July 20, 1973—Palestinians hijacked Japan Air Lines Boeing 747 from Amsterdam; exploded in Libya four days later; one hijacker killed (first hijacking of 1973).

June 2, 1973—U.S. army adviser in Iran assassinated by terrorists.

May 4, 1973—U.S. Consul General in Guadalajara, Mexico, kidnaped; freed after Mexican government released 30 prisoners and paid \$80,000 ransom.

March 1, 1973—In Khartoum, Black September terrorists seized as hostages and later killed U.S. Envoy to the Sudan, Cleo A. Noel, Jr., Deputy Chief of Mission George C. Moore, and a Belgian diplomat.

February 5, 1973—United States and Cuba signed anti-hijacking agreement.

January 23, 1973—U.S. Ambassador to Haiti, Clinton E. Knox, kidnaped; freed in return for release of 12 political prisoners, safe conduct to Mexico for kidnapers, and \$70,000 ransom.

September 25, 1972—United States presented draft convention on prevention of international terrorism to U.N. General Assembly; President Nixon established Cabinet Committee to Combat Terrorism.

September 19, 1972—Letter-bomb killed Israeli diplomat in London.

September 5, 1972—During Olympic games in Munich, Black September attack on Israeli athletes and subsequent German police ambush resulted in death of 11 Israelis, 5 terrorists, and 1 policeman.

July 22, 1972—Bomb attacks by Provisional Irish Republican Army in Belfast; 11 killed, 130 injured.

May 30, 1972—Japanese "Red Army" guerrillas, supporting PFLP, opened fire on passengers at Lod Airport in Israel, killing 26 and injuring over 70.

March 24, 1972—British Government suspended Northern Ireland parliament and imposed direct rule from March 30.

March 22, 1972—Director of Fiat Plant in Argentina kidnaped by ERP, found dead April 10. Followed by series of kidnappings of foreign businessmen in Argentina.

February 22, 1972—IRA bomb attack on British Army barracks at Aldershot killed 7 and injured 19; first IRA bombing in Britain since World War II.

November 28, 1971—Jordanian Prime Minister Wasfi Tai assassinated in Cairo by Black September terrorists.

September 23, 1971—Aircraft Sabotage Convention signed at Montreal (approved by Senate 10/3/72, entered into force 1/26/73).

May 17, 1971—Guerrillas of Turkish People's Liberation Army kidnaped Israeli Consul General in Istanbul, found dead May 23.

February 2, 1971—OAS Convention to Prevent and Punish Acts of Terrorism signed at Washington (approved by Senate 6/12/72).

January 8, 1971—Tupamaro guerrillas kidnaped British Ambassador to Uruguay; released 9/9/71.

December 16, 1970—Hague Convention for the Suppression of Unlawful Seizure of Aircraft signed (approved by Senate 9/8/71, entered into force 10/14/71).

October, 1970—British Trade Commissioner in Montreal, J. R. Cross, and Quebec Minister of Labour and Immigration, Pierre Laporte, kidnaped by Quebec separatist movement; latter found murdered, former released in return for kidnappers' safe passage to Cuba.

September, 1970—PFLP hijacked four airliners (2 American, 1 Swiss, 1 British); Pan Am plane blown up in Cairo, others at Dawson's Field in Jordan. All passengers released. This precipitated Jordanian civil war.

July 31, 1970—Tupamaro guerrillas in Uruguay kidnaped Brazilian Consul and U.S. adviser Daniel A. Mitrione, who was found dead 8/10/70.

June 11, 1970—West German Ambassador to Brazil kidnaped, released in return for 40 political prisoners.

March 31, 1970—West German Ambassador to Guatemala kidnaped; found dead 4/4/70.

February 21, 1970—Swiss airliner en route from Zurich to Tel Aviv exploded in midair by time-bomb; 38 passengers, 9 crew killed; Palestinians suspected but denied responsibility.

December 4, 1969—United States ratified 1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft, which then came into force.

August 26, 1969—TWA Boeing 707 hijacked to Damascus and destroyed.

September 4, 1969—U.S. Ambassador to Brazil kidnaped; released after Brazilian Government agreed to kidnappers' demands.

August 29, 1969—U.S. Ambassador to Guatemala, John Gordon Mein, assassinated by "Armed Forces of the Revolution" (FAR). 1st U.S. Ambassador ever assassinated.

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APPENDIX 3

"The Concept of Revolutionary Terrorism" by Martha Crenshaw Hutchinson, Department of Government and Foreign Affairs, University of Virginia, from Conflict Resolution, Vol. XVI, No. 3

A recent article by Sartori stresses the importance for comparative politics of the construction of basic concepts which are discriminatory and "classificatory," enabling one to study "one thing at a time and different things at different times" (1970, p. 1040). Sartori emphasizes the need for precise conceptual connotation; only by making the definitional attributes of a concept more exact, rather than by increasing their number to extend the range of the concept, does one retain the possibility of empirically testing the concept. The article concludes that the most needed concepts are on a middle-level of abstraction, combining high explanatory power with precise descriptive content (p. 1052).

Although the contemporary importance of the phenomenon of insurgent terrorism in internal war is undeniable, a review of theoretical literature on the subject reveals the absence of a concept of terrorism, defined in accordance with Sartori's requirements.

An early analysis using a historical-legalistic approach explains that the term "terrorism" is formed from the Latin word "terror," which originally meant physical trembling and later came to include the

emotional state of extreme fear (Waciorski, 1939, pp. 24-27). Terrorism thus means "system of terror" and was coined to condemn the Reign of Terror during the French Revolution (pp. 27-31). This paper will retain the original distinction between "terror" and "terrorism," although many authors use the terms interchangeably. Waciorski mentions the definition of terrorism which, prompted by anarchist activities, the League of Nations Convention for the Prevention and the Repression of Terrorism adopted in 1937: acts of terrorism are criminal acts directed against a state which aim, or are of a nature, to provoke terror (p. 71). In conclusion Waciorski proposes a different definition: "Terrorism is a method of action by which an agent tends to produce terror in order to impose his domination" (p. 98). Proceeding chronologically the *Encyclopaedia of the Social Sciences* contains the next definition: "a term used to describe the method or the theory behind the method whereby an organized group or party seeks to achieve its avowed aims chiefly through the systematic use of violence" (Hardman, 1948, p. 575).

Unfortunately most modern analyses of internal warfare, when they define "terror"

or "terrorism" at all, do not improve on the older attempts and often sacrifice clarity for brevity: "the attempt to govern or to oppose government by intimidation," "the threat or the use of violence for political ends" (Thayer, 1965, p. 116; Crozier, 1960, p. 159), "a peculiar and violent type of political struggle" (Pye, 1956, p. 102), or something used against people, not things (Knorr, 1962, p. 56). Only one student of internal war considers terrorism in detail and defines it in a manner which constitutes a basis for further development: "a symbolic act designed to influence political behavior by extranormal means, entailing the use or threat of violence" (Thornton, 1964, p. 73).

Outside the scope of studies devoted to internal war, there is an interesting definition in Walter's (1969) analysis of "regimes of terror" or the governmental use of terrorism.¹ Walter, as does Thornton, points out that insurgent and governmental terrorism are basically similar phenomena and that the same type of concept could define both (Thornton, 1964, pp. 72-73). Walter describes a "process of terror" which involves three elements: (1) an act or threat of violence, which (2) causes an emotional reaction, and (3) produces social effects. A similarly structured "siege of terror" is the attempt to destroy an authority system by creating extreme fear through systematic violence (Walter, 1969, pp. 6-7).

None of these authors clearly states the essential attributes of the concept of terrorism. They do not distinguish between the qualities data *may* have and properties they *must* have in order to be classified under the concept of terrorism. From the comparative study of these definitional efforts and from the investigation of a particular case of what

1. Dallin and Breslauer's (1970) study of Communist regimes' use of "terror" is too restricted in scope to be useful for this paper, although it is an excellent work on the functions of governmental terrorism.

all observers agree to be "terrorism" in the activity of the Front de Libération Nationale (FLN) during the Algerian Revolution, 1954-62, this paper proposes an alternative definition of the concept, intended to be an improved "data-container" and a more useful guideline for interpretation and observation (Sartori, 1970, pp. 1039-40).

This analysis is pertinent only to *revolutionary* terrorism; thus the concept here defined is not necessarily applicable to the use of violence by governments to maintain control or to implement policies. Revolutionary terrorism is a part of insurgent strategy in the context of internal warfare or revolution: the attempt to seize political power from the established regime of a state, if successful causing fundamental political and social change. Violence is not revolution's unique instrument, but it is almost always a principal one. Such internal war is often of long duration and high intensity of violence.²

Certain essential elements of the definition of terrorism are thus situational constants. It is a method or system used by a revolutionary organization for specific political purposes. Therefore neither one isolated act nor a series of random acts is terrorism.

The form of the individual acts which make up the terrorist strategy is violent; they are acts of emotionally or physically "destructive harm" (Walter, 1969, p. 8). Terrorism differs from other instruments of violence in its "extranormality": it "lies beyond the norms of violent political agitation that are accepted by a given society," states Thornton (1964, p. 76). In this

2. This concept of revolution would include for example Tanter and Midlarsky's "mass revolution" and "revolutionary coup" (1967, p. 265); Rosenau's "authority wars" and "structural wars" (1964, pp. 63-64); Eckstein's "political" and "social" revolutions and "wars of independence" (1965, p. 136); and the theories of Johnson (1966) and Arendt (1965).

writer's opinion terrorism is socially as well as politically unacceptable, as the following description of the ways in which acts of terrorism may be extraordinary should demonstrate. Acts of terrorism are often particularly atrocious and psychologically shocking, such as throat-cutting or physical mutilation of victims. It usually occurs within the civilian population; both the victims and the scene of violence are unaccustomed to it and it occurs unexpectedly. The act is not only unpredictable but often anonymous. This arbitrariness of terrorist violence makes it unacceptable and abnormal.

Many definitions of terrorism refer to the use *or* the threat of violence (Thornton, 1964, pp. 2-3). Actually the single act of terrorism with its context is a combination of use and threat; the act implies a threat. There may be written or verbal threats as well, but the violent act is essential. This duality of the act of terrorism issues from the fact that the revolutionaries select for attack objects which are not obstacles to be eliminated, but symbols of certain groups or forces in the state.³ Since the victims are examples of the groups they represent, the act of terrorism is a threat to the other members. If the target is nonhuman, the act must convey the message "you may be next" to a particular group. This is one of the reasons for terrorism's apparent irrationality: the person attacked is usually not personally dangerous or offensive to the revolution. A consistent pattern exists of choosing victims among groups whose political behavior or attitudes are important to the outcome of the conflict.

The insurgents deliberately intend to create a psychological effect through these acts. This effect may range from terror or extreme fear in direct target groups (among

3. Thornton's discussion of the symbolic nature of terrorism which distinguishes it from sabotage and assassination is valuable (1964, pp. 77-78).

whom there are victims) to curiosity, sympathy, or admiration in groups not directly threatened.⁴ This emotional response is intended in turn to influence political behavior and attitudes in order to further the revolution's chances of success. The most important target group is therefore the mass of the civilian population among whom there will be the most victims.

Summarizing the basic components of a definition of the concept of terrorism produces the following list of essential properties which empirical examination of data must reveal:

(1) Terrorism is part of a revolutionary strategy—a method used by insurgents to seize political power from an existing government.

(2) Terrorism is manifested in acts of socially and politically unacceptable violence.

(3) There is a consistent pattern of symbolic or representative selection of the victims or objects of acts of terrorism.

(4) The revolutionary movement deliberately intends these actions to create a psychological effect on specific groups and thereby to change their political behavior and attitudes.

This definition may be empirically tested against the activity of the FLN in Algeria. Terrorism was an important element of the FLN's eight-year struggle against French rule. Although resistance to French authority even in the form of armed bandits attacking the French military was relatively normal and considered perfectly honorable in many areas, FLN terrorism was definitely extranormal. Primitive societies, which most of Algeria was, are commonly accustomed to much cruelty, but throat-cutting, a frequent

4. A "direct target group" is the same as Thornton's "identification group" (1964, p. 79). The significant distinction between direct and indirect targets is the reason for the different terminology here.

FLN method, was used only in animal sacrifices. The FLN also cut off victims' noses, the nose being regarded as a symbol of honor and dignity in Algerian society (Chair, 1971, p. 59). Normal tribal violence in rural Algeria, particularly in the Berber regions, was highly ritualized, symbolic, strictly regulated by custom, and involved little bloodshed (Bourdieu, 1965, pp. 201-03). Sometimes a murderer could atone for his crime by paying a fine to the victim's relatives. In urban areas the FLN tended to explode bombs or grenades in crowds; the unusualness of such violence needs no further explanation.

The individual victims of FLN terrorism were most often members of identifiable politically relevant groups: for example the European minority, Moslem local or tribal authorities, Moslem elected or nonelected officials in the French administration, Moslems who disobeyed FLN orders on a variety of subjects, policemen, French administrators, Moslems who cooperated socially, politically, or economically with the French, and French military officers responsible for dealing with Moslems. On some occasions the FLN attacked farms, animals, or economic installations as psychological threats.

It is not possible to prove FLN intent in each individual act of terrorism. While it is logical that when the FLN chose Moslem municipal officials as victims, the subsequent large number of resignations of these officials was a deliberate aim, specific evidence may be lacking. However enough data do exist to indicate that in general acts of terrorism were part of a calculated strategy. The FLN often issued warning tracts or left explanatory messages on the bodies of their victims.⁵ According to the FLN the only

5. One might think that any violence employed after warning would be punishment, not terrorism, but whereas punishment is a relatively certain sanction performed by an authority, terrorism even

victims of their violence were "traitors" or "enemies," but their definition of these categories was highly flexible. The FLN journal, *El Moudjahid*, sometimes explained the revolutionary motivations. An article once boasted that the action of FLN *fidayine* had caused panic, insecurity, disarray, disorientation, *bouleversement*, and fear in the enemy camp ("Le FIDAI," 1957, p. 3).⁶ Another time the FLN claimed that their activities in metropolitan France against police and economic objectives created an "incontestable psychological shock" and enumerated the specific political effects thereby gained ("Second Front," 1958, p. 9). Other than such primary sources, Courrière's (1968, 1969, 1970, 1971) four-volume history of the Algerian war is an invaluable account of the FLN's internal deliberations. Demonstration of intent is thus not of overwhelming difficulty in this case.

The concept of terrorism defined in this paper not only identifies cases of terrorism, it also aids in explaining the empirical and theoretical significance. The reason for the frequency of revolutionary terrorism is that it is an effective strategy; its benefits outweigh its costs.

The revolutionary movement's decision to use terrorism should be considered as a choice among violent means, not between

after warning is unpredictable. One increased his vulnerability by disobeying FLN directions, but did not make an attack inevitable.

6. It is interesting to note that, faithful to its origins, terrorism is still a term of opprobrium. The FLN insisted that they were not "terrorists" but *fidayine*, militants engaged in liberating combat, "enlightened heroes": "The 'terrorist' when he accepts a mission lets death enter his soul. . . . The *fidai* has a rendez-vous with the life of the Revolution and with his own life." Moreover "it is because he is not a terrorist that the *fidai* cannot be terrorized by . . . General Massu," who headed French antiterrorist efforts in Algiers ("Le FIDAI," 1957, p. 3).

violence and nonviolence, because peaceful means of political protest are usually denied by the regime. An FLN leader explained, "Urban terrorism like guerrilla warfare is the only method of expression of a crushed people" (Ouzegane, 1962, p. 257).⁷ But the cost of terrorism is much lower than the expense of forming, arming, and supplying guerrilla bands. Insurgent material weakness may thus make terrorism the only alternative. A terrorist organization whether urban or rural requires few militants who need little training, no uniforms, no special equipment, no logistical support, and who do not even require individual weapons. The same firearm may be used for several operations (Massu, 1971, p. 120). In fact knives suffice. Bombs are relatively easily produced. A terrorist can support himself financially, since he does not have to leave civilian life to join the maquis. Individuals not groups usually perform acts of terrorism, although a support organization is necessary. The basic requirements for terrorism are secrecy, discipline, and thorough organization, none of which requires heavy financial investment.

The attractiveness of terrorism to insurgents who lack means is the reason it is often called the "weapon of the weak" and many strategic models of insurrection situate it as the first phase in the conflict, followed respectively by guerrilla and then conventional warfare as the insurgents grow stronger (Crozier, 1960, pp. 127-29, 159; Paret, 1964, pp. 12-15; and McCuen, 1966, pp. 30-40). Such schemes can be unnecessarily rigid in assigning terrorism to the outbreak of the insurrection. Although the FLN used terrorism early in the Algerian war, its later use although perhaps illustrative of military

7. Thornton states that "the insurgent must attempt to communicate effectively to his audience the idea that terror is the only weapon appropriate to the situation" (1964, p. 76), but he fails to explain why this is true. This statement does not hold for all FLN terrorism.

weakness did not signify impending defeat. Physical weakness does not always imply political weakness, and the single-cause interpretation of terrorism is gravely misleading. Thornton's is the most flexible model: the insurrection is a continuum with terrorism, guerrilla activity, and conventional warfare respectively taking precedence at each stage. The last phase of warfare is then a mixture of all three forms (1964, pp. 92-93).

Terrorism's value to revolutionary movements is not proportional to its expense, but to its psychological effectiveness. The most extreme but not the only reaction to acts of terrorism is emotional terror. Psychologists commonly define the psychological condition of terror as extreme fear or anxiety. Following Freud they conceive of normal fear as rational appreciation of a real danger, whereas anxiety is abnormal fear, an irrational response to a vaguely perceived unfamiliar menace (Fromm-Reichmann, 1960, p. 130; Riezler, 1950, pp. 131-32; and Janis, 1962, p. 59). Acts of terrorism are an original type of menace. Terrorism poses a real not imaginary danger, and thus it is hardly fair to label the fear it causes "abnormal." Nor is such fear *necessarily* irrational. However the reaction to the terrorist menace tends to be anxiety because the stimulus although real is vague, incomprehensible, and totally unexpected: the qualities of the anxiety-producing situation. Persons confronted with terrorism feel helpless, which contributes to their anxiety, but this feeling is usually based on actual impotence. Terrorism appears irrational to the threatened individual, who therefore cannot respond rationally. The members of direct target groups (and perhaps indirect targets, if they feel some affinity with the direct target) feel vulnerable, and investigation of people who experienced air raids during World War II shows that one of the most important causes of anxiety is a feeling of extreme helplessness.

ness and the consequent breakdown of the sentiment of personal invulnerability. When an individual feels that he has barely escaped serious danger, his psychological defenses are shattered and he feels future threats more acutely (Janis, 1951, pp. 23-24, 173-74). Furthermore studies of concentration camp prisoners reveal that the unpredictability of danger in such an environment is the most psychologically damaging factor (Bettelheim, 1960; Bluhm, 1964, p. 201; Kogon, 1964, p. 198; Lowenthal, 1946, pp. 3-5).

Terrorism affects the social structure as well as the individual; it upsets the framework of precepts and images which members of society depend on and trust. Since one no longer knows what sort of behavior to expect from other members of society, the system is disoriented. The formerly coherent community dissolves into a mass of anomic individuals, each concerned only with personal survival. "The *sine qua non* of a society . . . is the possession of mutual expectations by members of society, allowing them to orient their behavior to each other" (Johnson, 1966, p. 8). Terrorism destroys the solidarity, cooperation, and interdependence on which social functioning is based, and substitutes insecurity and distrust.

The following excerpts from the personal diary of Feraoun, an Algerian novelist and schoolteacher who lived in Fort National, Kabylia, eloquently express the consequences of terrorism.

Again a market day. . . . Toward noon I made a rapid tour of the town. People seem brittle, ready for any madness, any anger, any stupidity. I felt through the crowd an impression of horror, as though I were living in the midst of a nightmare. An undefinable curse reigns over us. I found myself in the center of the hell of the damned, on which the bright Algerian sun shone. I hurried home, shaken. I

do not know where this comes from, this is the first time I feel such suffering. Perhaps it is that, fear, the panicky fear without a precise object, without foundation [1962, p. 97].

My [French] colleagues are truly mad, they are pitiable and I would like to reassure them. But when one believes himself persecuted, he accepts only menace, he understands only danger, he imagines only scenes of carnage, he thinks only of death [p. 109].

At each execution of a traitor or pretended such [by the FLN], anguish takes over the survivors. No one is sure of anything, it is truly terror. . . . Terror which rules mysterious and unexplainable. Nerves are on edge [p. 170].

Each of us is guilty just because he belongs to such a category, such a race, such a people. You fear that they will make you pay with your life for your place in the world or the color of your skin, you are afraid of being attacked uniquely because nobody has attacked you yet; you wonder why you don't do anything when you are almost sure of not being able to do anything—even sincerely mourn the victims, mourn them totally in the shadow of that secret and inadmissible joy which is that of the escapee [p. 160].

Soustelle, Governor General of Algeria in 1955, described the social effects of terrorism in some areas: rather than stimulating cooperation among the threatened, it led to division and strife (1956, p. 121). Shops were closed and people were afraid to leave their homes; Soustelle feared a total collapse of economic life and social structure (pp. 123-24).

The success of terrorism in producing fear or terror is not absolute, and if it causes fear in the immediate, political action may not result from it. Terrorism may produce a

psychological tolerance, a numbed passivity on the part of the target, which is often a precursor of hostility. This anger may eventually erupt into overt aggression against the insurgents. In some cases the revolutionary movement may intend to create a mixture of fear and hostility, for example in an unpopular minority. But if terrorism should lead to passive bewilderment or anti-insurgent aggression from the mass population, the revolutionary cause would suffer seriously.

The tolerance of violence seems to be influenced by two factors. The first is the duration and magnitude of the terrorist threat. Sustained intense relentless terrorism is more likely to numb the target than is sporadic terrorism ("Document on Terror," 1952, pp. 44-57; Meerloo, 1960, pp. 512-13; and Janis, 1951, pp. 117-18). This finding corroborates the conclusion that terrorism's psychological effectiveness is based to a large degree on its unpredictability. Revolutionary movements usually lack the power to carry out sustained terrorism except in limited areas, but there they do risk the overuse of violence. Feraoun referring to Kabylia in 1956-57 comments:

For many, all these murders finish by losing their former significance. One wonders, in effect, if all those who fall are traitors. Little by little, doubt and lassitude invade consciences; despair gives way to anger. If this continues each one will accuse himself of treason and all the traitors, reunited, will revolt against the killers, who will expire cruelly in their turn [1962, p. 203].

Minor rebellions against the FLN did occur occasionally, usually in the form of supporting French self-defense programs.

The second factor in the use of terrorism which affects the popular reaction is a communication problem. There is some indication that if the revolutionary movement

provides positive recommendations to its targets on how to relieve the condition of stress caused by terrorism, there is less danger of inaction (Leventhal, 1965). In Kabylia and in many other areas the FLN issued puritanical and unreasonably excessive negative orders: the populations were forbidden to consult doctors, lawyers, midwives, pharmacists, to smoke, drink alcohol, or to amuse themselves, or to cooperate with Europeans in any fashion. These orders, in addition to private vengeance carried out under the guise of FLN directives, made the FLN unpopular with the populations under its control. But even complying with revolutionary demands does not provide complete relief, for there is no immunity. There is a boundary line in terrorism between too much clarification and too much obscurity; overstepping the line in the first direction makes terrorism lose its unpredictability and thus its power to terrify. Going too far in the second direction may cause the target to revolt.

Hostility inspired by terrorism may not always lead to behavioral aggression against the insurgents. Psychological theories now consider hostility and aggression as reactions to frustration (Gurr, 1968, pp. 247-51; Berkowitz, 1962). Revolutionary terrorism and the fear it may cause are frustrating situations, but the resulting hostility may be "displaced":

Frustrated people often aggress against those they blame for their unpleasant experiences, *but they do not always blame those who actually are most contiguous with those events* [Berkowitz, 1962, p. 118].

Frustrated individuals and outside observers do not necessarily perceive the same "frustrating agent;" therefore attribution of blame may be irrational (Berkowitz, 1962, p. 119). People often transfer their aggression to an available and acceptable object

whom they consider less likely to punish (p. 130). It is significant in this respect that the Janis air war studies reveal that citizens blamed their own governments for not protecting them against raids, rather than the countries actually responsible for the bombings (Berkowitz, 1962, pp. 42-43).

Revolutionary propaganda can increase the regime's attractiveness as an object for popular aggression. The FLN usually found this persuasion task simplified by the division in Algerian social and political life between the dominant European minority and the estranged Moslem mass of the population. French counterinsurgency methods also helped them. By bidding for Moslem support as the champions of nationalism and independence and by constantly vilifying the French, the FLN increased the likelihood of the phenomenon of displacement of aggression. It is also probable that the Moslem population feared FLN violence more than they did French, since they were virtually unprotected against terrorism which they dreaded more.

If terrorism arouses anger or aggressive behavior, the revolutionaries, if they consider this a drawback, can deny guilt in the matter. In revolutionary situations it is difficult to establish facts; opinion is usually so polarized—a condition which terrorism helps to create—that most people believe only the arguments of the side with whom they are ideologically sympathetic. Hence vehement denial may substitute for proof. The FLN used this tactic on several occasions, of which the most spectacular was the Melouza massacre in 1957. The FLN ordered the execution of all male inhabitants of a village, Melouza, which had rebelled against FLN terrorism, supported a rival nationalist movement and also cooperated with the French army. When the gruesome details of the massacre became known, even the FLN's customary supporters abroad joined in the

universal condemnation. The FLN then denied their responsibility and accused the French of staging the incident in order to discredit the FLN; they lent credibility to this thesis and gained international publicity by sending telegrams pleading innocence to world leaders and calling for a United Nations investigation. Although outside of Algeria most people accepted the French version, in Algeria most Moslems believed the FLN, mainly because the French did not have a reputation for honesty in Algeria.

One student of internal warfare argues that although terrorism may cause immediate behavioral change, it is not advisable for insurgents because it does not result in wholehearted long-run ideological support: "support given under coercion is unlikely to develop into a more enduring allegiance unless it can be systematically maintained over a long period" (Gurr, 1970, p. 213). Leites and Wolf disagree with the "hearts-and-minds" approach to revolution: "the only 'act' R [rebellion] needs desperately from a large proportion of the populace is *nondenunciation* (that is, eschewing the act of informing against R) and noncombat against it" (1970, p. 10). Fear, lack of enthusiasm for the authorities, "commercial" motives that calculate the possibilities of reward, all are as powerful in prompting popular support for the insurgents as is sympathy or conviction (pp. 10-13). And since the active supporters of the revolution are always a small minority, little active mass support is required. Leites and Wolf conclude that it is popular behavior, not attitudes, which counts: "thorough organization and effective coercion can enjoin or engender particular modes of behavior by the population, notwithstanding popular preferences that would lead to different behavior if a purely voluntary choice could be made" (p. 149).

The Algerian case falls somewhere be-

tween these two positions. Certainly ideological preferences are not the only motives which prompt popular behavior, but it is difficult to conceive of a revolutionary minority coercing a determinedly opposed population. There must be a combination of ideological affinity, realistic calculations of the insurgents' chances, and coercion.

Terrorism is a form of coercion which influences behavior, but it affects attitudes as well. It causes a polarization of opinion; confronted with terrorism, which affects the population as individuals not as a group, it is impossible to be neutral or uninvolved:

It is fair... to say that the very violence of terrorism has made no small number among us leave our ease and our laziness in order to reflect. Each one has been obliged to bend over the problem, to make an examination of his conscience, to tremble for his skin because the skin of the Kabyle is not worth much in the eyes of the terrorist [Feraoun, 1962, p. 47].

Terrorism also affects the attitudes of indirect targets. When the direct target is an unpopular minority, attacks on them may arouse admiration and respect for the insurgents among the general population. In Algeria many Moslems approved of FLN terrorism when Europeans were the victims, and many considered the FLN terrorists in Algiers (the center of anti-European terrorism), as heroes of the revolution (de Gramont, 1962, p. 1; Tillion, 1960, pp. 176-77). In fact indignation caused by the French execution of FLN prisoners forced the Algiers FLN to avenge the Moslem population by bombing Europeans; the FLN was "*obliged* (to manifest their presence and their community of sentiment with the mass of the people) to mark their reaction by an act" (Tillion, 1960, pp. 49-50). It was cruelly ironic that the leader of the Algiers

FLN, convinced that the Melouza killings were the work of the French, ordered acts of terrorism in retaliation (Lebjaoui, 1970, p. 242; Massu, 1971, p. 306).

Tillion described the cycle of violence and counterviolence which terrorism, with its simultaneous and complicated psychological consequences, sets into motion. The Europeans of Algiers, maddened by FLN terrorism and under the pressure of fear and horror, called for repression against the Moslem population as an antiterrorist measure and refused any political reforms. Governmental action against Moslems—the arrests, the torture, the executions—directly contributed to the growth of terrorism. Moslems, who almost unanimously regarded the condemned prisoners as national heroes, became violently aggressive and desperate each time there was an execution. The FLN then reacted with acts of terrorism, appealing the Moslems and infuriating the Europeans. Tillion accused both sides of trying to outbid the other in violence (1960, pp. 52-53).

The importance of the governmental response to terrorism cannot be underestimated. If the insurgent organization is weak, official repression may destroy it when terrorism demonstrates its existence, and terrorism is likely to incite more severe measures than other forms of less spectacular violence. In Algeria the French destroyed much of the FLN organization immediately after the opening of the revolution on November 1, 1954, but they were unable to halt guerrilla activity and clandestine terrorism against Moslems in inaccessible areas. If, as the accounts of terrorism in Algiers indicate, the revolutionary movement survives the regime's reaction, repression is likely to further revolutionary goals by alienating the civilian population from the government, and in the Algerian case from the Europeans. From any viewpoint an

efficient response to terrorism is difficult. Protection of the population or isolation of the guilty are hopeless tasks when the terrorists are indistinguishable from the mass, which happens when the population is either afraid or unwilling to inform on the insurgents. Without intelligence the government cannot make the crucial distinction. Hence to the government the entire population is suspect and all are guilty at least of complicity with the enemy. However strongly tempted by circumstances, the regime should avoid antiterrorist measures which are illegal and indiscriminate. Policies such as internment suspects without trial, widely practiced during the Algerian war, create popular sympathy for the insurgents; if interned suspects are not members of the revolutionary movement at the time of their seizure, they are likely to be on their release. Repression is also self-defeating because it increases insecurity and disorder, thereby contradicting the government's most basic function. If terrorism is successful, it is a symptom of disease in the body politic. It may mean that dissidents are given no opportunities for peaceful protest or that the population is dissatisfied with the regime. The causes of terrorism are political, but the response to it is usually based on military force.

The regime's response to terrorism is to some degree predictable, through consideration of the history of its reactions to crises. The French in Algeria had always answered with force Moslem expressions of political opinion which did not accord with French policy. The FLN risked provoking another severe repression, such as that near Sétif in 1945, when Moslem anti-European riots led to a French retaliation which left at least 15,000 Moslems dead. But it was unlikely that in 1954 the Fourth Republic burdened with the Indochina defeat, the problems of the European Defense Community, and na-

tionalist agitation in Tunisia and Morocco would be capable of anything but its characteristic inefficiency.

Another problem in analyzing the relative advantages and disadvantages of the use of terrorism is the question of its consequences for the internal organization and its members. Fanon's approach to this subject, based on his Algerian experiences, is that violence is therapeutic and beneficial. It is a "cleansing force" for individuals, freeing natives from their inferiority complexes in regard to the colonialists and giving them self-respect (1968, p. 94). The former FLN leader Ouzegeane agrees:

Urban terrorism, our liberating terrorism, functioned as a safety valve. It permitted patriots ulcerated by the unequal struggle, revolted by French injustice . . . to liberate themselves from an unconscious psychological complex, to keep cool heads, to respect revolutionary discipline [1962, p. 261].

Ouzegeane suggests that terrorism controls militant impatience and relieves the tension caused by inaction. According to Fanon violence also binds the individual to the revolutionary cause; the FLN leaders' trust in their subordinates was "proportional to the hopelessness of each case. You could be sure of a new recruit when he could no longer go back into the colonial system" (p. 85). These bonds in turn serve individual personality needs by reintegrating persons alienated by the colonial system into the revolutionary community (pp. 85-86). A critic of these ideas however points out that Fanon himself, a psychologist, listed cases of Algerians traumatized by French violence; French doctors could add cases of Frenchmen traumatized by having killed or tortured:

Therefore if one means by violence terrorism with all its implications, nothing can affirm that it really pos-

sesses this alienating effect. On the contrary, everything leads one to think that violence, suffered or performed, contains a part, more or less large, of traumatization. This traumatization... can then only result in a repetition of the violent act... One could point to Frenchmen, having suffered German violence, echoing it in Indochina and from there into Algeria. It has also been said that the first terrorists of 1954 were the sons of those shot in 1945 [at Sétif]. In turn what will become of the children of these terrorists [Ivner, 1962, pp. 392-93]?

Ouzegane does not support this view: "One must differentiate between 'violence which liberates and violence which oppresses'" (1962, p. 257).

Although Ivner correctly assumed that the events at Sétif greatly influenced the 1954 movement, his traumatization theory is seriously challenged by the fact that many Frenchmen who suffered from the Germans were sensitized by their experience and many (Tillion being a notable example) attempted to halt the violence from both sides in Algeria.⁸

There are other studies that dispute Fanon's position that violence is excellent psychological therapy. Janis and Katz (1959) for example note three "corrupting effects" of the use of violence: guilt, the weakening of internal superego controls, and "contagion effects," or unrestrained imitation. Violence with use becomes more frequent, extreme, and uncontrollable (pp. 91-93). Another view corroborates Fanon's conclusions but not his logic: despite the revolution's moral sanctioning of violence,

8. General Massu in fact complained that the government allowed too many such sensitive officials to remain in positions of responsibility in Algeria. He claimed that they seriously impaired the efficiency of the army and the police (1971, pp. 30, 151-52).

its use causes guilt which encourages future violence by binding the anxiously guilty followers to their leaders (Neumann, 1960, pp. 288-89).

Revolutionary leaders usually treat the moral problem of terrorism as one in which the ends justify the means. They excuse terrorism as a last resort in an attempt to express political opinion and blame the regime for forcing them to take such desperate measures. "It's our only way of expressing ourselves," explained Saadi Yacef, head of the Algiers terrorist organization (Tillion, 1960, p. 47). These justifications do not appear to exorcise all guilt; Yacef disguised himself as a woman to inspect the results of a bombing he had ordered and was deeply moved when he discovered the body of a personal friend, a European. He wept when Tillion reminded him of the deaths for which he was responsible and when she called him an assassin (Tillion, 1960, and personal communication with the author; Yacef, 1962). A female member of the bomb network was mentally unbalanced by having performed acts of terrorism (Tillion, personal communication; Massu, 1971, pp. 183-90). A bomb-maker, Taleb, also had moral qualms and insisted that his bombs be used only on material targets (Massu, 1971, p. 182). However another less sensitive terrorist claimed that the role of the terrorist was no different from that of the technician or the ordinary soldier (Drif, 1960). It is true that terrorism is often a strictly disciplined form of violence.

One can only conclude that emotional guilt caused by terrorism is a purely personal matter. The majority of FLN terrorists did not feel so guilty that they refused to commit acts of terrorism. There can be no general rules, and there is no evidence to indicate that the internal effects of terrorism have long-term consequences on either the

individual or the society of which he forms a part.

Summing up, terrorism's attractiveness and significance for revolutionary organizations are due to the combination of economy, facility, and high psychological and political effectiveness. From the insurgent viewpoint there are certain foreseeable risks in employing a terrorist strategy: (1) the danger of creating hostility rather than fear in the civilian masses; (2) the possibility that the governmental response may destroy the revolutionary organization; and (3) the risk that the use of terrorism may emotionally harm the terrorists themselves. Of these three potential obstacles to terrorism's efficiency, the first is subject to the influence of propaganda and ideology and is thus partially a communication factor. Because of this risk of psychological backfiring, it is difficult to conceive of a situation where a minority using terrorism could impose a solution on a majority unless this policy were acceptable to that majority. If the minority possesses overwhelming force, this might be possible, but a revolutionary minority does not have such means at its disposal. The second factor, the government's response, is external to the revolutionary organization, but it is predictable that if the revolution is seriously trying to obtain some degree of popular sympathy, regime repression will work in its favor. The insurgents can ignore the third problem, since arguments for and against violence cancel each other out. Here also communications which justify terrorism on moral grounds may modify its psychological effects. One may conclude that the effectiveness of terrorism is increased by nonviolent persuasion. Paradoxically terrorism, which must appear irrational and unpredictable in order to be effective, is an eminently rational strategy, calculated in terms of predictable costs and benefits.

This concept of revolutionary terrorism is

sufficiently general to permit useful comparative analysis of several cases, but it is applicable only to specific circumstances: violent and lengthy conflict between a revolutionary organization and an incumbent regime over the future power distribution in the state. Terrorism is a deliberate revolutionary strategy in this context, and consequently it is not found in coups d'état which are rapid and relatively bloodless or in anarchic rebellions or riots. Nor do these propositions about terrorism necessarily apply to the governmental use of violence, although this use may be revolutionary.

Terrorism occurs under these conditions when it appears functional to the insurgents; they decide to employ terrorism because it seems to be the appropriate means to achieve certain ends, such as general insecurity and disorientation in the state, control of the civilian population, demoralization of the adversary, or publicity. Terrorism is particularly attractive when alternative means of reaching revolutionary goals are absent. Thus terrorism is, as revolutionary propaganda often proclaims, a measure of desperation and is likely to occur in a state where political expression is denied to opponents of the regime. That is not to say that revolutionary perceptions may not be false; in reality terrorism may be dysfunctional to the revolution or it may occur in nonrepressive states. Furthermore once a terrorist strategy is under way, it gains a momentum of its own, and insurgents may find themselves trapped in a cycle of terrorism and repression, unable to abandon terrorism because of militant and popular pressures.

One of the general conditions for the success of a terrorist strategy is obviously the accuracy of insurgent calculations. If insurgent perception of the situation and estimate of the psychological and political responses of selected targets to particular

acts are correct and technical efficiency is high, then terrorism is likely to succeed. Governmental response however is an opposing variable and may cause the failure of terrorism. The balance of these two factors determines the outcome, which is judged by the degree of discrepancy between insurgent intentions and actual consequences. It is more difficult to estimate the effectiveness of terrorism as compared to other violent or nonviolent revolutionary methods, such as guerrilla warfare, strikes, boycotts, or propaganda. In cases of successful revolution, as Algeria, one may ask whether or not the insurgents would have won without terrorism, but cases where terrorism succeeded but the revolution failed, or vice versa, present definite problems.

As far as the applicability of the concept to specific phenomena, this paper can only indicate some empirical examples which fit the theoretical propositions. This list is tentative and is only meant as a guide to broader inquiry into the subject, not as a definitive statement. The historical precursor of modern terrorism is the Russian terrorism of the late nineteenth and early twentieth centuries. The Irish revolutionaries employed terrorism, as did partisan and resistance movements during World War II, notably in Poland, Yugoslavia, and France. Since the Second World War however the number of internal wars accompanied by terrorism has increased sharply. One can cite the Philippines, Cyprus, Malaya, Palestine, Tunisia, Morocco, Algeria, Vietnam, Latin America, and most recently Northern Ireland. These cases offer a broad historical and geographical scope for comparison and testing of the validity of the concept.

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APPENDIX 4

[From International Perspectives, November-December 1973]

A MIDEAST PROFILE: THE CYCLE OF TERROR AND COUNTERTERROR

(By John B. Wolf¹)

Militant Palestinians regard the conduct of an armed struggle against Israel as their only alternative to life and death in the refugee camps; they are convinced that violence and terror against Israelis everywhere are their sole alternative to disfranchisement. Regardless of past and possible future setbacks, warns Black September, Palestinians are committed to the conduct of a protracted campaign of international terrorism in spite of its threat to the very fabric of civilization itself. Black September is an organization of ultra-militant Palestinians who executed the Israeli athletes at Munich, murdered three western diplomats at Khartoum last March, hijacked a Japan Air Lines jumbo jet with 145 people aboard last July, and carried out a varied program of similar operations since they first gained international notoriety with the assassination of Jordanian Prime Minister Wasfi Tal at Cairo in November 1971.

The very refusal of militant Palestinians to accept their present national status as irreversible is the core of the Palestinian resistance psychology, which, in each stage of its unfolding into action, is influenced by existentialist philosophy. The emphasis that is placed by them on crisis, action and self-identity clearly establishes the relationship to existentialism. Consequently, their convictions and resolution have not been noticeably weakened by the terrible cost in lives already expended by their people to win back Palestine, the suicidal aspect of their international campaign of terror, or by the logic of Israel's overwhelming military superiority.

Psychology such as this is easily turned to violence by forced dependency and restrictions on individual movement. Consequently the almost \$1-billion in United Nations funds which has gone to refugee relief and works since 1949 to support the operations of the refugee camps has created a revolutionary situation, since the camps' confinement of a person's life-style breeds discontent. Also intensifying the spirit of revolt in the young Palestinian is his awareness that both Israel and the Arab states refuse to resolve the refugee problem for reasons either pragmatic or ideological or both. Insisting that the absorption of the refugees into adjacent land would imply Arab approval of continued retention by Israel of refugee property and would indicate a tacit Arab recognition of Israel, the Arabs say that the refugee problem is the responsibility of the great powers that helped create the Jewish state. Israel, meanwhile, emphasizes that rehabilitation of the displaced Arabs could not occur while considerations of military security were still paramount and while Israel's economic and social development was paralyzed by mobilization.

ECHOES OF HATRED

Consequently, hatred too echoes in the background of Palestinian-based terrorism, as nowhere more than in the past-oriented Arab world do people mourn their lost lands and glories while remaining so powerless to regain them. The young Palestinian author Fawaz Turki, in his book *The Disinherited*, exclaims: "and so I hated. I hated the world and the order of reality around me. I hated being dispossessed of a nation and an identity. I hated not being a part of a culture. I hated being a hybrid, an outcast, a zero. A problem . . . Give me a gun, man, and I will blow my own or somebody's else's brains out. . . ."

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Turki's words resemble others written a century ago by Fedor Dostoyevsky in his classic *The Possessed*, a novel of nihilist terrorism in which the wanton killer was held to be "possessed by devils".

But against Israel the new generation knows that its people have known only defeat. In May 1948, when the British mandate in Palestine ended, the Arabs and Israelis were left to fight it out. The Arabs lost, and 700,000 Palestinians fled or were driven out. Between 1948 and 1955, a number of unofficial and unorganized encounters occurred between bands of Palestinians and the Israelis. These events evolved into a cycle of *fedayeen* (the name means "they who sacrifice themselves") raids and Israeli retaliation that led to the Sinai War of 1956, which the Arabs also lost. The years between 1956 and 1964 were marked by only sporadic and low-intensity clashes between Palestinians and Israelis. But in 1965 the *fedayeen* raids began to build in both numbers and intensity as a consequence of the formation of the Palestine liberation organizations, which included Fatah.

Additional explanations are used by revolutionaries of the "New Left" to celebrate the tactics of terror employed by Black September as positive virtues. Violence, they say, promotes the "manhood" of oppressed peoples, and leads to freedom and unity. This notion, obviously, is gathered from the Algerian existentialists Albert Camus and Frantz Fanon. Fanon's book *The Wretched of the Earth*, a chronicle of his experiences and reflections during the Algerian uprising in the 1950s, envisaged a new alliance between revolutionaries and the *Lumpenproletariat*—the criminals and idlers of society. Fanon saw "all the hopeless dregs of humanity, all who turn in circles between suicide and madness", as marching "proudly in the great procession of the awakened nation".

This conception of Fanon's is now a reality as Black September has made common cause with groups representative of other people with real or supposed grievances that have been translated into a popular cause. Its Beirut offices are covered with posters of Che Guevara, American Black Panther leaders and members of the official wing of the Irish Republican Army. Furthermore, a recent article in *Action*, a publication of Arabic-English Newspapers, Incorporated, sees a certain similarity in the activities of the militant Oglala Sioux at Wounded Knee and Black September at Khartoum.

"In Munich and Khartoum, small groups of Palestinians, members of the militant Black September movement, took hostages, offering their release in return for the release of imprisoned Palestinians In Wounded Knee, a small group of Oglala Sioux took hostages and offered to release them in return for, among other things, official investigation into treaties made and broken by the United States Government."

"In short", exclaims *Action*, "the Oglala Sioux and Palestinians have resorted to direct and violent action for precisely the same reason—nobody would listen." Driven by frustration born of decades of neglect and failure, Black September, having nothing to lose, is committed to the idea that violence is the only language the world understands.

JOINT TRAINING

Actual evidence of an international exchange of ideas and pooling of weapons and information among terrorist groups emerged two years ago when information filtered into the press about American Weathermen, IRA members, terrorists from Turkey's Dev Genc group, and Tandanista guerrillas from Nicaragua, attending joint summer training sessions at Palestinian commando bases in Jordan. In May 1972, additional evidence came to light, when members of Japan's Red Army Group, in the interest of the Palestinians, took weapons out of suitcases and opened fire in Tel Aviv airport, killing 26 persons and wounding 80. Also, last July, the hijackers of a Japan Air Lines jumbo jet were identified as three Palestinians, a Japanese, and a blond Latin American woman about 30 years old who was killed accidentally when a grenade in her handbag exploded.

Black September, according to European and Israeli intelligence sources, consists of between 400 and 600 members. Sources in the United States, however, estimate the group's membership at from 100 to 200 young extremists, who are divided into four main operating units that are variously responsible for Europe, the Middle East, Africa and the Americas. About a year ago, what little was known of their general organization indicated that their cellular structure was not patterned on the orthodox Communist system, in which each small

cell has a leader responsible to a higher echelon. Today more information about Black September's organization is available. It is known, for example, that they operate in cells of from one to 40 members and that their average cell contains one leader and eight or nine subordinates. Also, it has been revealed that co-operation has been agreed upon in principle between the leadership of the Palestine Liberation Organization and the Jordanian Communist Party in the framework of a "National Struggle Front", as Fatah is believed to be interested in making use of the Communist cells in Jordan and the Gaza Strip, having lost its own sabotage networks in these areas.

Operationally, each particular portion of a Black September cell is assigned a specific task and often the general objective of a particular operation is not revealed to anyone but the leader. The entire cell never meets and so the members cannot identify each other. Thus one team may throw a bomb in a restaurant to create a diversion. If they should be apprehended by the police and interrogated, they have no information to reveal of any effort by another team, taking advantage of the diversion, to kidnap a politically important person or to hijack an airliner.

Although its members are relatively few, Black September has blazed a trail of international terrorism which has not yet been followed by similar movements. In 1972 its members sabotaged a Dutch gas-pumping station, a Hamburg-based electronics factory that made components for sale in Israel and a field of oil tanks in Trieste, which were partly owned by American firms. During the same year, Black September murdered, in Bruhle, Germany, five Jordanian workers allegedly spying for Israel, hijacked a Belgian airliner, set off a blast aboard an Israeli airliner, executed the Israelis at Munich and seized the Israeli Embassy in Bangkok.

GUERRILLA LOSSES

Until the summer of 1967, these organizations executed about three raids a month against Israel, which resulted in a horrendous loss of manpower. Frequently guerrilla infiltrator teams of ten men left nine of their number dead inside Israel. In the Six-Day War in 1967, another Arab defeat, Israel occupied the west bank of the Jordan River, the Golan Heights of Syria and the Gaza Strip, causing another 300,000 Palestinians to become displaced persons and 600,000 more to come under Israeli control in the occupied territories.

As a consequence of the obvious Arab inability to prevail in a conventional war waged against Israel, the Palestinians themselves sought new leadership and new programs. Fatah expanded its ranks and tried to build a clandestine organization among the Arabs of the occupied west bank. Militarily, Fatah's objective was to bleed Israel during the course of a protracted struggle similar to the one waged by the Algerians against the French a decade earlier. But this kind of warfare caused more suffering, death and frustration to the Palestinians than to Israelis and, consequently, Fatah has since all but ended any meaningful guerrilla war against Israel. Fatah is now painfully aware that desert terrain inhibits this sort of operation, especially when technology (principally helicopters and computerized infrastructural networks) gives Israel's counter-insurgent forces a focus, speed and mobility the guerrillas cannot match.

Furthermore, in September 1970, a Palestinian attempt to turn Jordan into a guerrilla-controlled state also ended in failure. King Hussein viewed their campaign as a "Viet Cong style" effort and directed his army to crack down on the guerrillas. His troops unleashed a campaign of reprisal whose carnage reportedly exceeded the devastation unleashed by the Mongols when they seized Baghdad in the thirteenth century. This suppression of the guerrilla movement in Jordan was responsible for the rise of Black September, whose name is intended to symbolize the wrath of the Palestinian people.

Defeated in Jordan, the Palestinians tried to exploit an understanding between themselves and the Lebanese Government, which sanctioned the maintenance of a limited number of guerrilla bases in southern Lebanon and offices in Beirut for their political intelligence and information units. But periodic Israeli raids, some lasting a day or more, destroy the bases shortly after their construction. Thus the likelihood is remote that a formidable guerrilla movement will ever be organized by the Palestinians in southern Lebanon, although they continue to try.

Once aware that their people were unable to prevail over the Israelis, when employing either the tactics of conventional warfare or those of the guerrilla, the new generation of Palestinians shifted to the tactics of terror. These tactics were defined by Leon Trotsky as measures which "kill individuals and intimidate

thousands". Today the Israeli people themselves and its supporters everywhere are the targets of Palestinian vengeance. Black September's intention, when employing these tactics, is to intimidate the world community by raising the costs of maintaining the status quo, and thereby to force concessions. Consequently, most Palestinians regard Black September as an expression of their national liberation movement whose origin and operations are the natural outgrowth of a repressed people's struggle for independence, which has been marked by abysmal failure, and whose pleas for restitution are viewed by most other people as unrealistic.

MAOIST NOTION

The ideology of this terrorist movement contains a curious mixture of the ideas not just of one theorist but of many. The Palestinians share, along with the Tupamaros, who have exploited Uruguay's chronic unrest for eight years, and others, the Marxist doctrine that the revolution will emerge after a period of "armed struggle" which is to include political kidnappings, bank robberies and assassinations. They have disregarded, however, the Marxist caution against embarking on the course of insurrection unless sufficient forces were mobilized to overcome a well-organized disciplined enemy. Instead, they adopted the Maoist notion that infiltration, conspiracy, agitation and terror could create and prolong a revolutionary situation. Also, the ideas of the Brazilian theoretician of urban guerrilla warfare, Carlos Marighella, have had a great impact on Black September and most other contemporary terrorist groups. In his *Minimanual of the Urban Guerrilla*, Marighella remarks:

"Today to be an assailant or a terrorist is a quality that ennoble any honorable man because it is an act worthy of a revolutionary engaged in armed struggle against shameful military dictatorship and its monstrosities."

Their terror list for 1973 also involved world-wide operations. Among them was the attack on the Jewish Agency in Paris, which was seriously damaged by a bomb planted by Black September's "French Section", the attempted hijacking of an Italian ship in Famagusta, Cyprus, destruction of a steel company in Haifa, the murder of the western diplomats in Khartoum, the positioning of three explosive-rigged cars outside two Israeli banks and the El Al office in New York City, a bombing in Singapore, and the demolition of the ground floor of an apartment house in Nicosia, which was the residence of the Israeli Ambassador.

Also, last August they unleashed a murderous attack against passengers in the transit lounge of Athens airport, killing three people and injuring 55.

LINK TO FATAH

Until last March, however, there was no concrete evidence to clearly establish that Black September operations were planned, controlled and co-ordinated by Fatah. Thus it was difficult for intelligence analysts and operational planners to render a realistic assessment of the probable impact upon Black September of countermeasures executed against Fatah's more vulnerable and visible infrastructure and installations. But in late March the Jordanian police arrested Muhammad Daoud, once chief of Fatah's central intelligence bureau in Amman. Daoud told his police interrogators that Black September was nothing but a name used by Fatah for its terrorist operations and supplied them with detailed information concerning the organizations leadership, operations and structure. The major thrust of Daoud's information was corroborated in early April by a news release published in *The Washington Post*, which mentioned that the United States Central Intelligence Agency had monitored radio communications between Black September operatives in Khartoum and Fatah leaders in Beirut prior to the killing of the Western diplomats.

COUNTER-TERRORIST POLICY

Although a relationship between Black September and Fatah has been alleged, Israel is still the only nation prepared to take on the terrorist organizations at gunpoint. Aware that the underlying maxim of all terrorist operations is that the psychological impact of terror in each case tends to lessen the opponent's ability to use force, Israel clearly perceives the terrorist as an instrument of modern warfare "who fights within the framework of his organization, without personal interest, for a cause he considers noble and for a respectable ideal, the same as the soldiers in the armies confronting him". Israel, therefore, seems to have adopted a counterterrorist campaign which both tracks Black September

throughout the world and retaliates against Fatah installations in the Middle East. To intimidate the terrorists, Israel tries to reverse the basic strategy of terror and use it against them as evidenced by their position which indicates that a hostage is no protection for a terrorist. Acting in conformity with this position, Israeli soldiers stormed a hijacked Belgian airliner in Tel Aviv Airport in May 1972, killing two terrorists, and Premier Golda Meir urged the West German Government during the Munich episode to "take action for the liberation of the Israeli hostages and to employ force to this end."

It may be true, also, that Israeli security agents, once engaged in a world-wide hunt for convicted Nazi war criminals, are the people being used to track Black September. Israel officially denies any connection with such a program, although reports persist that Mossad, the Israel secret service, is definitely involved. Nevertheless, last January, the Palestine Liberation Organization's representative in Paris died as a consequence of wounds inflicted by a bomb that exploded in his apartment. In July, five persons were arrested for the murder of a Moroccan in Norway, two of whom admitted being members of an Israel counter-terror group trying to prevent Palestinian attacks on Israel installations in Scandinavia. Also, other Palestinian resistance members were murdered this year in Rome and other European cities.

BEIRUT RAID

Perhaps the most dramatic of recent Israel counter-measures against the terrorists was undertaken against Fatah itself by Israeli raiders who landed on the Lebanese coast from rubber boats. It occurred on the night of April 9-10 in the cities of Beirut and Sidon, less than 12 hours after Arabs identifying themselves as belonging to "The Arab Youth Organization", a new and alternate name for Black September, had dynamited the home of the Israeli Ambassador to Cyprus and tried to hijack an El Al airliner in Nicosia airport.

An Israeli military spokesman said that the raiders directed themselves against eight specific objectives, including the Beirut apartments of three Fatah leaders linked to Black September, who were killed. Major General David Elazer, the Israeli chief of staff, said that "the reason for the attack was the intensification of terrorist activity in Europe and other places during the last month" and also that "Lebanon and its capital is one of the few places in the world where terrorists of different nationalities are able to train their people, have their bases and commands and freedom to prepare their activity". "I believe," he continued "the only way to fight the terrorist operations is to combine offensive and defensive activity." Consequently, Israel's counterterrorist activities must now be viewed not as isolated reactions to specific acts of terror but rather as a long-term policy of continuous warfare against the terrorist movement, independent of provocations. The immediate impact of this attack upon Fatah was a further reduction in the number of its veteran leaders, the indication of an obvious need for it to devote considerably more of its time and manpower to the organization and maintenance of security arrangements and the arrest of dozens of Arabs living in Israel and the occupied territories, whose names appeared on documents taken by the Israelis from one of the slain leaders' apartment.

Also, the raid caused the Arab guerrillas to threaten once again to upset Lebanon's quasi-neutral foreign policy, which maintains the tenuous balance among its religious sects. This policy of remaining aloof from the Arab-Israeli confrontation received its first severe jolt in December 1968, when Israeli commandos landed at Beirut International Airport and destroyed 13 commercial airliners in retaliation for an attack on an El Al airliner by Palestinians trained in Lebanon. This particular raid provoked a political crisis that lasted almost two years as it became a *cause célèbre* for the Palestinians, who unleashed a series of guerrilla raids against Israel from bases in southern Lebanon. The Lebanese army did little to curtail the guerrilla operations because of a possible adverse impact upon Lebanon's stability regardless of which side prevailed. Therefore Israel has ever since been conducting land, air and sea operations against Palestinian encampments in Lebanon, and for two days in June 1970 occupied a portion of south Lebanon while its soldiers destroyed guerrilla encampments and arms depots. Thus the Lebanese permit the Israelis to maintain order in their country and the guerrillas, rather than risk an Israeli occupation of southern Lebanon, must accept this situation, although at times they might prefer to do otherwise.

CONTROVERSY AT U.N.

Yet, regardless of the violence attributed to various terrorist organizations, the world community is hesitant to adopt plans and programs to combat them. At the United Nations, controversy exists concerning the prudence of creating an organization whose purpose would be to try to deprive people who suffer from genuine grievances of an important weapon by encouraging the international community to consolidate in defense of the status quo, which often rests on a denial of basic rights. Some U.N. members are also quick to mention that few nations are guiltless of having used terrorism when they thought it useful and give particular attention to the policy of official terrorism practiced by the governments of South Africa and Portugal, claiming that it exceeds anything that can be blamed on those who challenge their power. China, consequently, will not support an international convention that does not specifically deal with terrorism when practiced by governments, and rejects the American argument that existing international conventions provide an adequate code of conduct by which governments can be judged. China, however, does oppose what it considers adventurist acts of terrorism—hijacking and assassination.

Thus, last July, confronted with this impasse, the U.N. General Assembly voted to refer the whole question of international terrorism to a committee. The approved resolution also recognized the need to devise measures to prevent incidents of international terrorism and to conduct a study of its causes. It also condemned "the continuance of repressive and terrorist acts by colonial racist and alien regimes in denying people their legitimate right to self-determination and independence". One Arab delegate, commenting on the resolution, said, "after all, one man's terrorism is another man's patriotism".

"It appears, therefore, that the international community must prepare itself to live with a cycle of terror and counter-terror." Actually, implementation by individual states of the Israeli plan designed to punish Black September in the Middle East and elsewhere is perhaps the only way to end the terror, as eventually such a program might so frustrate the terrorists that they turn inward on themselves and embark on a course of internecine warfare and eventual self-destruction.

 MEASURING IMPACT OF PALESTINIAN RESISTANCE

The Palestinian resistance organizations, acting both within and outside the framework of the Palestine Liberation Organization but outside the officially-accepted policies of the Arab states, pressed their claim to Palestine on as many fronts as necessary. On the Palestinian front, they mobilized their own constituency, recruiting their political and military fighters mostly from the "refugee" camps and younger elements drawn from the school system. On the Arab front, they recruited supporters from among the Arab people and obtained financial support for their guerrilla campaigns from most of the Arab states, especially those with oil resources. . . . In most Arab states, they established offices and were permitted access to the communications media to propagate their programs. On the Israeli front, they conducted guerrilla activities. . . .

Internationally, . . . they emphasized that the fundamental conflict in the Middle East is that between the Palestinians and Zionists. They indicated . . . that only Palestinians had the right, authority and competence to deal with their Israeli opponent in the Palestine conflict. . . . They explicitly indicated that all international efforts to resolve the Middle East conflict between the Arab states and Israel which do not take into account the inalienable rights of the Palestinian people would be resisted by the Palestinians. . . .

. . . Whatever fate may be in store for the Palestinian resistance, for the present we can note its accomplishments. While its absolute goal of the liberation of Palestine and the establishment of a democratic secular state for all Palestinians may be as remote today as it ever was, that explicit goal now commands the allegiance of all the Palestinian Arabs. . . .

. . . The military and guerrilla warfare of the Palestinian resistance has succeeded in undermining the monolithic position of the Israeli Government. . . . Not only Israeli fringe groups, but responsible members of the established Israeli order who fought valiantly for the emergence of Zionist Israel now acknowledge the Palestinian Arab presence in Palestine and the legitimacy of their grievance

and are pressing the Israeli Government for a policy of greater flexibility toward the Palestinian aspiration for statehood.

Internationally, the resistance—despite some of its more extreme methods of operation, such as the aerial hijackings and kidnapping and assassination of diplomats and other “enemy” civilians, which have brought considerable opprobrium on the Palestinians as a whole—has succeeded in sensitizing the world to the long and painful experience of the Palestinians. . . .

. . . Palestinian assertiveness since 1967 has sensitized the Arab people to Israel’s ambitions and power to a greater extent than before. Through its political structure, its militancy and its capacity for violence—individual and collective—the resistance has acted as an important brake on the attempts of the Arab states concerned to reach a compromise settlement with Israel. In other words, directly or indirectly, the resistance is perhaps one of the strongest factors limiting the options open to the Arab states. Only by *force majeure* against the Palestinians could the Arab states succeed in making a settlement with Israel that would leave the Palestinians on the sidelines. . . . (Excerpts from “The Palestinians since 1967”, by Ibrahim Abu-Lughod, professor of political science, Northwestern University, in *International Journal*, Autumn 1973).

APPENDIX 5

ARTICLES ON TERRORISM FROM WASHINGTON STAR-NEWS AND READER'S DIGEST

[The Washington Star-News, Feb. 24, 1974]

OBJECTIVITY AND THE TACTICS OF TERRORISTS

(By Eugene H. Methvin)

The tiny terrorist band that kidnaped Patricia Hearst and issued the grandiose feed-the-poor demands for her safe return presents the open society with a diabolical challenge that uses its very freedom for the purposes of its destruction. Among other things, they put journalists on the spot. For journalists become, almost automatically, the carriers of an infectious political megalomania. The ensuring kidnaping of Atlanta Constitution Editor Reg Murphy may turn out to be an example of the contagion.

My own attention was drawn to extremist exploitation of the news media by a sobering personal experience as a reporter for the Washington Daily News in 1959. I helped organize the American Nazi party. My role was unwitting, but crucial.

That summer, terrorists had bombed an Atlanta Jewish temple. Police turned up a clue hinting nationwide connections: a letter from an Arlington, Va., man filled with anti-Jewish propaganda. Overnight, Washington newsmen flocked to find the author. Having once covered the police beat in Atlanta I got his name, and just minutes before our first-edition deadline, found myself talking by phone to one George Lincoln Rockwell. We had an exclusive. With the city editor snatching each paragraph from my typewriter as fast as I could pound it I cranked out an interview story, with quotes of Rockwell's political and philosophic views. Thanks to the wire services, within hours he was on front pages all over America.

At the time, Rockwell was an eccentric nobody with an offset press in his basement to print his hate literature. Within a month or so he was a "fuehrer" of some 200 stormtrooper types, free-floating resemblances to the Andrew Bremmers, Lee Harvey Oswalds and Mark Essexes of this world, attracted to this celebrity who had demonstrated the power to command front-page publicity. The "American Nazi party" was launched, and I had been its mass-media midwife. The result of that great scoop left me with an abiding malaise over the mindless and automatic application of our usual journalistic practices and such cannons as "violence is news" and "freaks are news."

If the journalist follows his usual rules of newsworthiness and "objectivity," he risks allowing himself to be a patsy for a vicious terrorist cabal—their publicity-and-recruiting agent, remote communications officer and ego-masseur. The terrorists know it and count on it.

Hitler himself pointed out that a radical revolutionary movement like his desperately needs publicity to get its recruitment off the ground, and that it can get it by staging violent acts. Hitler's chief of radio propaganda, Eugene Hadamovsky, boasted the Nazis had learned to use electronic media to achieve a "lightning effect," like the sudden thunderclap that instantly captures everyone's attention.

Carlos Marighella, a Moscow-trained Brazilian Communist, once boasted that his band reaped not only \$10,000 from a 1968 payroll truck robbery but free publicity worth a million dollars as paid advertising. Marighella's "Minimanual of the Urban Guerrilla" has become a bible among our own radical revolutionaries. To the recruitment effect Marighella adds a new dimension of sophistication: the remote cuing effect. Publicity becomes not only a recruiting device,

but a substitute for close organizational coordination and direct internal communications. Moreover, in Marighella's design there need be no core organization. Each terror group operates independently, planning its own action. "The old type hierarchy style of the traditional left does not exist in our organization," he writes. He proposes "action models" such as kidnappings and executions whose objective is "to permit all malcontents to follow our example and fight with urban guerrilla tactics."

Two recent examples of cuing:

In New Orleans in January 1973, a 23-year-old sniper killed a police cadet and wounded another officer. A week later he climbed atop a downtown motel and killed three policemen and three other whites and wounded 15. After twelve hours, with running network television coverage, police killed him. He was a black youth, identified as Mark Essex. The Black Liberation Army, an extremist group dedicated to assassinating policemen, sent news media an announcement extolling Essex as "a member."

In Washington Bruce Shreeves, 22, also black, followed the news coverage of Essex's exploit. Three weeks later he shot a Montgomery County policeman who stopped him on a traffic violation. A week later he ambushed and killed four white men in Montgomery County. After the FBI—with his family's help—arrested him, he said, "I should be where Mark Essex is." (A jury convicted Shreeves of the four murders.)

In 1970 Quebec terrorists kidnaped British diplomat James Cross. They demanded that 23 of their "patriot comrades" who were "political prisoners" in jail on charges ranging from bombing to murder be flown to Cuba or Algeria, along with \$500,000 in gold.

Over a thousand miles away, driving along a Texas highway, five other members of another Quebec terrorist cell heard the news broadcast, decided holding Cross would not put enough heat on the Canadian government, and headed straight for Montreal. Later that week they kidnaped Pierre Laporte, popular crusader for French-Canadian rights and Quebec's minister of labor. When the government resisted their demands they murdered Laporte. The one group was never in direct communication with the second. Their actions were "coordinated" via news media precisely following Marighella's prescription.

A democratic open society has no easy answers to this kind of devilish design. We are horrendously vulnerable. For years the Anti-Defamation League debated and oscillated between recommending a news "blackout" and "quarantine" of such extremists, or a spotlight of exposure and ridicule.

My own feeling is that the answer is not less publicity but more. But it must be the kind of publicity that strips these groups of their self-image of revolutionary heroes, defenders of "the people" against "the ruling class," "exploiter governments" and "structures of oppression."

Obviously, such an approach requires abandonment of our standard journalistic canons of "objectivity." We have an honored precedent: the Southern journalists who crusaded against the Ku Klux Klan. In the 1930s and 1940s the way to national acclaim was to demonstrate resourcefulness in infiltrating, exposing, and ridiculing such groups. Klan tactics had some resemblance to those of the Symphonese gang. But their parades in full Klan regalia down the aisles of the churches with baskets of cash for "the poor" were prime grist for journalistic mockery and lampoonery.

This precedent was perhaps best exemplified, irony of ironies, by Reg. Murphy's predecessor as Atlanta Constitution editor. The late Ralph McGill won his Pulitzer Prize for a column on a synagogue bombing. He attacked the politicians—analogs to some of today's social scientists, commentators and literati—who would sympathize with the grievances and praise "the aims" of the extremists while tut-tutting their tactics. McGill also was adept at infiltrating spies into Klan groups and using their reports to expose and lampoon.

Ironically, when a decade later he turned the same editorial guns and tactics on Stokely Carmichael and the black firebrands, exposing their ties with the Cuban and Maoist Communists, many of his liberal fans snapped and groused at him for "red-baiting" and "McCarthyism." McGill, who knew Kluxery when he saw it, wondered how anyone could be surprised at his stance.

We need to put such groups under intense scrutiny, with all the best journalistic talents of investigative reporting and in-depth analysis. We need to understand that they follow a common pattern repeated from Robespierre to Marx, Lenin,

Stalin, Mussolini, Hitler, Castro and Mao—who generally began as minor revolutionaries mixing violent deeds and rhetoric, just like the Oakland terrorists.

Little mystery cloaks the sociology and psychodynamics of such lunatic fringe groups. We have, for example, an excellent scientific inquest into the Quebec terrorists. They burst upon Canada in 1963 with bombings and killings, ending with the Cross-Laporte kidnaps and murder in 1970. A psychiatrist, Dr. Gustave Morf, spent three years studying jailed members and wrote a book analyzing their personalities and collective behavior.

"The conspirators lived a real life of adventure, reminiscent of that of the high sea pirates of the 16th and 17th centuries as described in boys' books," wrote Dr. Morf. "It seems that the liberation of Quebec had only been a pretext to give free rein to those romantic criminal tendencies which may lurk in many people, and to satisfy their thirst for adventure and personal independence . . .

"A growing number of adolescents refuse to grow up, to take responsibility. They remain eternal adolescents. Many are eternal students. They may reach the age of 30 or 40 without ever having held a responsible job. The most dangerous person is one who keeps the immaturity, the outlook, the rebellion and relative irresponsibility of an adolescent while disposing of all the powers of an adult."

It seems to me necessary that we strip such groups of every scintilla of public respectability and sympathy, and of their own self-image and sense of self-importance in the public's eye and the mass media with the clamorous crowds of reporters, television cameras, and batteries of microphones.

We have it on the authority of one of the leading practitioners and theoreticians of terror, Leon Trotsky, that, "No guerrilla detachment can long hold out amid a hostile population. No underground group can function without a screen of sympathizers."

Who are the sympathizers? A prime example would be the kind of critics and writers who praise films such as "State of Siege," which justifies a Uruguayan political kidnap-murder and idealizes/glorifies the killers just the way Goebbels might have depicted his neat young stormtroopers.

And certainly we never should adopt the terrorists' grandiose euphemisms for themselves. Why should a dozen or so political freaks call themselves an "army"?

What's wrong with calling them what they are—kidnapers and terrorists? And why broadcast without comment or analysis, as one network did, the taped hate-sloganeering of their new Dr. Goebbels?

Dr. Andre Lussier, another psychiatrist who appraised the Quebec terrorists, declared that such a person needs glamor and a mystique which allows him to believe that his actions have greatness. Unable to resolve his infantile and adolescent conflicts with authority figures, he needs the illusion of power he gets from attacking the strongest authority, conceived as the strongest enemy. The terror he is able to spread makes him feel he is somebody. "The citizen who, secretly or not, rejoices at the present wave of violence, becomes an accomplice of terrorism," concluded Dr. Lussier.

Of course, there are excruciating gray areas involving "sympathizers" and "fellow travelers"; Who clearly deserve our scorn? Certainly a Leonard Bernstein holding a Fifth Avenue fundraiser for the Black Panthers would be a deserving case. Each case must be taken on its merits.

The Hitler precedent—and his boasted success in using democratic mass media as a recruitment device—should give American journalists pause for thought as we deal with the Symbionese types. Figuratively and literally, a lot may depend on whether a Walter Cronkite or a John Chancellor arches his eyebrows in a frown or holds them immobile as he reads his copy on the Hearst kidnaping. For those eyebrows—and their generic equivalent in all the media—can either reinforce the juvenile savages' romantic self-image, or strip them of their megalomaniac pretenses.

One wonders: Might history have been different if Charlie Chaplin could have made his marvelous cinematic lampoon, "The Great Dictator," after Hitler's "Beer Hall Putsch" in 1923 instead of in 1938?

Eugene H. Methvin, a senior editor of the Reader's Digest, is the author of "The Riot Makers" and "The Rise of Radicalism."

[From the Reader's Digest]

(A Reader's Digest "First Person" Award)

INSIDE THE REVOLUTIONARY LEFT

A CHILLING BEHIND-THE-SCENES LOOK AT THE RADICAL MOVEMENT NOW PREACHING—
AND PRACTICING—REVOLUTION IN AMERICA

(By T. Edward Mosher*)

For two years I had worked in my old Chicago neighborhood for the Students for a Democratic Society (SDS), organizing workers, staging rent strikes, engaging in "police brutality" agitation. Now, in the summer of 1968, I was one of 42 young Americans flying from Mexico City to Havana.

I was not a communist. In fact, I was not, really, much of a radical. I had dropped out of Stanford University three years earlier to join the civil-rights campaign in Mississippi, returning later to Chicago for the SDS "Community Action" project. In a casual way, the idea of an all-expenses-paid trip to "see socialism in action" appealed to me.

Eye-Openers.—As the second SDS group to visit Cuba in defiance of a U.S. travel ban, we were treated like visiting royalty. We were fed lavishly, and given the best wines and tobacco. Despite the red-carpet treatment, the trip became an eye-opener for me. Food for the Cuban people was stringently rationed. Stores that once carried every type of consumer goods were now empty.

Our guides were ecstatic as they took us through a showcase housing project, but to me the cheaply built apartment buildings with hundreds of families crammed into small cubicles were grim and depressing. I can remember thinking that if this was the best the revolution could offer, the American Left had been sold a bill of goods.

Even more disquieting than seeing firsthand the failure of the Cuban revolution was the fact that the Cubans were deadly serious about exporting political terror. To me, Fidel Castro and Che Guevara had been romantic folk heroes who had jostled with the hated dictator Batista—and won. To our Cuban hosts, however, they were something more: real-life models for "oppressed" people everywhere—and that included us. Each day we spent there was designed to raise our revolutionary consciousness, to create a fighting front in the United States.

The Cubans provided us face-to-face encounters with guerrilla fighters from around the world. A Vietcong terrorist related how easily he had planted a bomb in a Saigon restaurant, killing 40. A badly wounded guerrilla, just flown in from Venezuela, provided a gripping account of the struggle against "Yanqui imperialism." Finally, a priest from the United States who had been expelled from Guatemala for working with the communists urged us to bomb draft boards. "Bring the clergy into your struggle," he said, "and you can legitimize revolutionary violence."

For five weeks we heard the same refrain over and over: "If we can do it, so can you." By the end of the trip, the Americans were demonstrating revolutionary fervor by tearing up their own flag, cheering at North Vietnamese films that showed U.S. planes being shot down. Several actually taped messages that would be broadcast by Radio Hanoi to U.S. servicemen, urging them to join the "world revolution."

Into a World of Terror.—I returned home considerably wiser, and deeply shocked by the realization that what the Cubans termed a fighting front was actually developing in the United States. On my way back to Stanford to resume my studies, I stopped off to see some old friends at the SDS national council meeting in Boulder, Colo. If anything reinforced my determination to leave the movement, this was it.

*Last Spring, T. Edward Mosher testified in Washington before the Senate Internal Security Subcommittee concerning his involvement in the New Left. Here he tells his story in full detail.

I stayed in a mountain cabin with Mark Rudd and other SDS leaders. The emphasis was on fiery revolution, on the necessity of ambushing "pigs," of bombing government buildings, of violence for its own sake. Hard drugs and wild sexual orgies were stressed as important because they served to break down any links with the "straight" world.

After enrolling at Stanford, I tried to lose myself in my studies. But there was grave doubt in my mind that law-enforcement officials had an adequate knowledge of the inner workings of the revolutionary movement. And it was impossible for me to ignore almost daily headline reports of arson, bombing and killing across the country. After considerable soul-searching, I walked into the FBI office in Palo Alto, described my Cuban experiences in detail, and spelled out what I thought to be the latest developments on the revolutionary Left.

"Fine," said the agent. "We'd like you to penetrate as deeply as you can into the revolutionary apparatus."

For the next two years I lived two lives: by day an economics student, by night a member of the shadowy but all-too-real world of America's guerrilla underground. I supplied the FBI and state and local authorities with voluminous information on New Left and black-militant activities throughout northern California. I was almost always afraid, knowing that the penalty for a single false step could be death.

Revolutionary Fighter.—Infiltrating Stanford's radical community was no problem. In fact, because of my Cuban experiences, I was sought out. On the morning of April 9, 1969, 400 radicals—with me in the forefront—stormed the Applied Electronics Laboratory and held it for nine days. On numerous occasions I went into the mountains with activists for special practice with high-powered rifles and automatic weapons. In July, I was contacted by leaders of the Oakland Direct Action Committee (ODAC), a tightly disciplined black group dedicated to "serious revolution." Their message: "You're tough, and you know how to handle a gun. We need someone like you to help 'tax' the drug trade."

Three times I joined an ODAC action team. Disguised in wigs and dark glasses, we would invade the home of an unsuspecting dealer and explain our mission: "You have been making heavy profits exploiting the people. Now you will share your money and your dope—which we will sell—to help the people's revolutionary struggle."

"Taxing the drug trade" was not without its risks—even though the victims obviously did not go to the police. Somehow the dealers learned that I was working with ODAC. One September night, I walked onto my front porch and was startled as the lights of three cars flicked on. A gunman fired—and missed—as I dived inside. I soon learned from underground sources that the "contract" for my assassination had been let by Stanford-area drug dealers to a group of Hell's Angels.

"Don't worry," my ODAC comrades said. Twenty-four hours later, a bomb exploded at the Hell's Angels Oakland headquarters. There were no further attempts on my life.

Word spread quickly among the black revolutionaries that I was one of the few whites they could trust. I spent long hours with Randy Williams, director of the Black Panther Party's underground military operations. On March 28, 1970, I met with him on a bench in an Oakland park, and he described the "galantry" of his men in an attack on the Oakland Corporation Yard, where the city's police cars are kept. When a massive bomb attached to the side of one car failed to go off, a man was sent back to retrieve it. He belly-crawled under a link fence and, when spotted by a guard, shot him dead. Williams was jubilant. "We got ourselves some bacon," he chortled.

Pile of Ashes.—The deeper I got into the movement, the more apparent it became that the tragedy is not limited to the shooting of innocent men. It includes the senseless waste of great potential, the destruction of basically good people caught up in the maelstrom of hatred and revolutionary rhetoric.

Consider James Johnson, a bright young black I first met at Stanford in 1963. Jimmy was a brilliant student, brilliant enough to be wooed by certain white intellectuals, and ultimately betrayed by them. The Stanford radicals used him to transport explosives to Bay Area blacks. They talked him into joining a collective of white radicals and, when he was arrested on two relatively minor charges, they really went to work on him. "You'll be put away for years," they said. Day after day they told him to jump ball, to hide in a revolutionary sanctuary deep in the Santa Cruz mountains.

Finally, Jimmy did just that. He was taken to the mountains and left in a dank cabin. Dried food was brought to him every few weeks. In return, he gave demolitions instruction to various action teams.

Last January, I drove up into the mountains. Jimmy was there, alone. "A pig was burned up here two weeks ago," he blurted out. Then, terribly distraught, he went on to spell out an incredible story.

Black Panther leaders had marked for death an alleged informer, Panther captain Fred Bennett. (Authorities believe that his "crime" was to become romantically involved with a top Panther's wife.) The contract was let to a brutal thug who lured Bennett up to the mountains to practice with explosives near Johnson's hideout. The two chatted for several minutes with Johnson, then left. Moments later, three shots rang out and the thug returned to the cabin.

"I got the pig," he said. "See if he is dead." What Johnson saw turned his stomach: an unrecognizable corpse, the top of the head blown away. The killer poured a ten-gallon can of gasoline over Bennett's body and tossed on a match. The body burned for 12 hours.

"It's been two weeks," Johnson sobbed to me. "I'm going crazy. I've got to get out of here." I accompanied him to San Jose, and when he got out of the truck I had the feeling I would never again see him.

I rushed to the FBI. Although a search on the mountain revealed no evidence of a homicide (80 pounds of dynamite, nitroglycerin and other bombing paraphernalia were found), there was no way to erase the awful tale from my mind.

A week later, I returned to the camp, and for hours scoured the rugged terrain. Then, under a fire-scorched tree, I discovered a small pile of ashes, blackened fragments of what looked like bones, a pair of keys, a button. I brought down the evidence in a plastic bag. Extensive pathological tests identified the remains as those of Fred Bennett.

Officially, the Bennett murder remains unsolved. The suspected killer has been arrested on only a minor charge growing out of a courtroom altercation. Jimmy Johnson, the witness whose testimony is needed to indict the murderer, has gone underground, a desperate fugitive whose once-promising life has been destroyed.

The Threat Within.—After more than five years in the movement—two of them as an undercover operative—I was emotionally spent and physically exhausted. I had accomplished the job I set out to do. With my help, authorities had learned the identity of terrorists throughout the Bay Area and were able to keep close tabs on them. I knew it was time to pull out, but first I wanted to express my anguish at what I saw happening in my country and to inform as much of the public as I could about a serious internal threat.

I went to Washington and testified in executive session before a Senate Judiciary subcommittee. There I spelled out my assessment of the radical Left: The situation is not "cooling." The number of people ready and willing to engage in revolutionary terrorism gets larger by the day, and the revolutionaries—the Black Panthers, the SDS and a host of little-known groups—are becoming more sophisticated and better organized. Action teams have accounted for thousands of episodes of sabotage from coast to coast, and hundreds of men and women are prepared to maim and kill.

In telling my story, I am well aware that I am running severe personal risks. I have seen firsthand the grisly results of a political execution, and I am taking no chances. I have left the San Francisco Bay Area. I am usually disguised, always armed. It will be months, perhaps years, before I can lead a normal life.

Although it is fashionable now in some circles to decry "police informers," I am not ashamed of what I have done. I am, in fact, proud that I could help alert the American people to the activities of radicals who will not hesitate to bomb and kill innocent citizens to achieve some murky kind of revolution.

INSIDE A CASTRO "TERROR SCHOOL"

(By Juan DeDios Marin)

"The aggressive intervention of Castro communism against the democratic system and the internal peace of the 20 American republics is little known. That is why the story of this young countryman of mine is so important. His account is confirmed in all essentials by the Organization of American States, whose investigation led to the exclusion of Fidel Castro's Cuba from the inter-American system."—Raúl Leoni, President of Venezuela

In October 1960, I became a student in the first of the "terror schools" established by Fidel Castro in Cuba. Their purpose is to train young revolutionaries from the 20 American republics in sabotage, subversion and guerrilla warfare. I

was one of three Venezuelans in my class at the Tarara training center, housed at a confiscated seaside estate ten miles east of Havana. Nine such schools are now operating full blast. They enroll 1500 students in courses lasting two to four months and turn out five to six thousand trained communist revolutionaries annually.

The superintendent and chief instructor of the Tarara school is Gen. Alberto Bayo, the one-armed veteran of the Spanish Civil War who trained Castro's 80-man guerrilla force in Mexico prior to its landing in Cuba in 1956. Our instructors were mainly Czechs and Russians, with Cuban assistants. We wore blue jeans, ate coarse food and worked 16 hours a day, seven days a week. We received no pay, but we were given coupons exchangeable for cigarettes, razor blades, soap and other scarce items.

We were watched constantly. Two boys who had been griping disappeared. Later we were told that they had been shot.

Textbook for Terror. Our main textbook at Tarara was *150 Questions for a Guerrilla*, written by General Bayo himself. With careful descriptions and diagrams, Bayo's manual showed how to make scores of different kinds of incendiary and time bombs, booby traps, mines, bazookas and bangalore torpedoes. We learned to construct them all under field conditions, mostly from simple materials readily available. We made bombs out of sugar-cane stalks, bombs disguised as oranges. Fuses were made from matchbooks, electric switches from spring clothespins and mousetraps. For big sabotage jobs, we were taught to steal dynamite and blasting fuses. We learned the specific techniques for dynamiting bridges, power lines, oil pipelines, police stations or even a national capitol building. As a Venezuelan I read this section with special interest, recalling that on August 4, 1959, a Red-led mob had indeed tried to destroy the capitol in Caracas.

To wreck communications we were taught to throw a six-pronged boat anchor with a rope attached to it over a cluster of telephone or telegraph wires, then drive off with the other end of the rope tied to a truck. We learned to mount battery-operated automobile head lamps on a sawhorse, place the sawhorse on a highway curve and, by switching on the lamps at the last moment of an enemy car's approach, cause the driver to swerve to destruction.

General Bayo put special emphasis on guerrilla warfare and terror tactics in cities. We were taught how to provoke a riot, how to incite a street mob with a cry of "police brutality." We studied diagrams showing how to manipulate a mob as a tactical military unit. Examples were taken from actual riots, such as the famous communist-directed *Bogotazo* of 1948. That three-day orgy of murder, arson and anarchy in Bogotá left the center of the Colombian capital in ruins; 128 buildings were destroyed, 4000 people were killed, and a communist take-over was averted only by a hair-breadth.

After two months at the Tarara school, I was graduated to study at an advanced school at Minas del Frio, near Fidel Castro's old guerrilla headquarters in the Sierra Maestra. Minas del Frio is run by Gen. Enrique Lister, a former Spanish revolutionary government official.

Lister's school gives field training in the use of heavier arms, tanks, antiaircraft guns and other weapons. It also teaches political blackmail, how to rob banks, hijack payrolls, sabotage industry, destroy natural resources, foment strikes, assassinate police—in short, how to bring about the collapse of a government.

I was scheduled to receive four months of such training to fit me for command of a tactical combat unit in the Venezuelan terrorist group called the "Armed Forces of National Liberation" (FALN). Castro wanted to take Venezuela in order to use its vast wealth in iron ore and petroleum for the communist conquest of other American republics.

Dangerous Position.—During a brief between-schools leave in Havana, I had some time for thought. It was plain that my position was highly dangerous. Many of the other trainees were ideological communists. Most had been members of the communist-controlled bi-national "study groups" or "friendship societies" in Latin American countries. Others had been in Marxist cells in government, universities, labor unions, peasant leagues, teachers' associations, or in the press, radio or television. Almost all paid first loyalty to Soviet Russia.

It was different with me; I was not a communist and, before coming to Cuba, I knew nothing of the doctrine. But, like many other Venezuelans, I knew the communists had been conspicuous enemies of the dictators who had ruled my country until 1958, and like many college students, I rather admired them. In Tarara, however, about all I had in common with other trainees was that, too, was resentful, a "*resentido*."

I was resentful because I had made a mess of things. I was 24, my wife had left me, with good reason, and both my family and hers were disappointed in me. I had a well-paid job as a chemist's assistant in a Venezuelan soap factory, but I was bored. There was news of exciting events in Cuba, and on impulse I wrote a Venezuelan friend there about job prospects.

The reply came quickly. Enclosed was a card introducing me to the director of the Cuban friendship society in Venezuela. He assured me of a technician's job in Cuba, handed me a Cubana Airlines ticket and suggested I go without explanations or good-byes. That suited my mood, and I did just that. It was a near-fatal mistake.

In Cuba my guide took me directly to the Rosita hostel, where some 200 others from abroad were housed. Within a few days it became plain there was no technician's job available. Then a "special scholarship" was arranged for me, and with about 15 others from the hostel I was soon on the way to Tarara.

Blood-Spattered Wall.—During our two months at Tarara we heard rumors of Castro's savage reprisals against opponents or suspects. While on leave between schools, I saw for myself that Havana was a city of fear and misery. Could I help the men who had made Cuba a police state do the same thing to Venezuela? Never. But how to escape? A hint of reluctance at this point, and I would be liquidated. That was the fate of at least six other countrymen whose names the Venezuelan government has since revealed.

My only chance was to go through with the four-month course at Minas del Frio, then sneak back into Venezuela as a FALN officer. I could find a way to use against the communists what I had learned in "Dr. Castro's colleges."

One of our first jobs at Minas was to fill in a long questionnaire about prominent people in our home countries. Did Senator A gamble, keep a mistress, drink too much, run up big debts? What rumors had we heard about the vices of Judge B or Police Chief C? Was it true that Labor Leader D or Editor F was operating shakedowns or taking bribes? The answers to these questions by successive trainees were fitted together somewhere, and a program was drawn up for blackmailing the victim into compliance with the communists' wishes.

There were nearly 1000 of us at Minas, mostly from Venezuela and Colombia. Since I was expected eventually to operate in the mountains of northern Venezuela, I was given special alpine training on Pico Turquino, the highest mountain in Cuba. Then I was assigned to a group being trained to assassinate Venezuela's President Rómulo Betancourt. An earlier attempt had been made, on July 24, 1960. Betancourt had been seriously wounded and his chief aide killed.

The news of the new plan left me numb with fear; I could think of nothing else. After several days of cautious effort, I managed to get word of the plot to the Venezuelan consul in Havana. But in doing so, I aroused suspicion. I was put under surveillance. One night, as I was rummaging in General Lister's headquarters' desk for further details, I was caught in the act, beaten and kicked into a cell.

The next five months were hell. I was snatched in and out of a dozen prisons. In some I was held incommunicado; in others I was placed among probable stool pigeons. I was questioned endlessly with the so-called "Mutt and Jeff" technique: reviled by one man and treated kindly by the next. I was beaten, starved, put in a hotbox cell. In one prison I saw 30 trainees from Colombia, Ecuador and Peru who were about to be executed for refusing to operate as Castro agents against their homelands. I felt sure that this would be my own fate. Nobody at home knew where I was; my only hope was that the Venezuelan consulate would take action.

The Bay of Pigs fiasco added to my misery, for my captors assumed I knew something about it. Trying to make me talk, they stood me against the prison's execution wall, which was freshly spattered with the blood of scores executed after the invasion attempt. I looked into the muzzles of six rifles. For long seconds after the volley I was too dazed to realize that the rifle squad had fired blanks. I was wanted for further questioning.

Escape From Cuba.—To gain more delay, I began to fake epileptic seizures. Luckily, the scheme worked, and I was sent to the prison hospital. There I found a guard willing to telephone the Venezuelan consulate for me. A half-hour later, and after hard argument, Josefina Hache, the consul, and Francisco Quijada, chargé d'affaires, were allowed to visit me for ten minutes.

Their courage and persistence saved my life. After many delays, they arranged to trade me for a Cuban held in Venezuela and found me a place on a KLM flight to Caracas. Even then my safety was in doubt. I was carrying in my mind

many details of the Cuban campaign against Venezuela. Two men I recognized as Cuban secret agents boarded the plane with me.

During the flight I went forward and persuaded the pilot to radio the tower at Caracas and ask for protection. When we landed I breathed a sigh of relief: Venezuelan security police swarmed around to make sure I lived to tell my story.

In Venezuela I joined the security police and have since used my terror-school training to help turn back the terrorists' challenge, which became increasingly more menacing as the December 1963 elections approached. A month before the elections, the police discovered a three-ton Castro arms shipment and seized a plan that called for the FALN to stage another *Bogotazo* in Caracas. The plan included maps and key objectives—military centers, the Ministry of Defense and telephone exchanges. It showed the distribution and employment of the forces, and armaments to be used in the attack. On the basis of this evidence, as well as the FALN's long record of assassinations, kidnappings and bombings, the Organization of American States voted on July 25, 1964, to impose sanctions on Cuba.

The national election was one of the most dramatic events in Venezuelan history. Almost every registered voter, about three million in all, flatly defied the terrorists' threats to bomb and machine-gun election queues and voted. That vote, by permitting for the first time the peaceful succession of one democratically elected government of Venezuela by another, marked the most decisive defeat suffered up to that time by communism on this continent.

WHERE DOES LIBERTY END AND LICENSE BEGIN?

A PROBLEM FOR TODAY: HOW FAR CAN WE EXTEND THE LIMITS OF FREEDOM OF SPEECH AND STILL PRESERVE IT?

(By Eugene H. Methvin)

In this era of protest and organized dissent, where must the line be drawn between liberty and license? When do a speaker's words cease being vigorous opinion and become illegal incitement? The First Amendment to our Constitution says: "Congress shall make no law . . . abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble." But at what point do these fundamental rights of political action cross the boundary into criminal conspiracy? No other problem we face today so directly challenges our constitutional system or so perplexes legislators, prosecutors, judges and police. Some recent instances:

Night after night in Chicago, Karl Meyer stands atop a five-gallon can denouncing the Vietnam war. Police direct pedestrians around his crowds and maintain order. One evening Vietnam veterans denounce Meyer. Others defend him. Fighting erupts. The police order the crowd to disperse and ask Meyer to move. He refuses. He is arrested, convicted for interfering with an officer and fined \$100. The Illinois Supreme Court approves.

On the West Coast, the "American Committee for Defense of the Accused Assassin of Richard M. Nixon" circulates a poster depicting a rifle cartridge and three used cartridge cases, and captioned: "Nixon in '72." The committee promises that, should someone kill the President, its members will "see to it that the people hear firsthand the reasons for the deed." Can the government prosecute? No, concludes a Justice Department attorney: "The intent is to bedevil the FBI and Secret Service, not to inspire an assassination. Without criminal intent, we could not convict."

In Chicago, following a black civil-rights march into all-white suburban Cicero, the Nazi Party announces a "white power" march into Jewish neighborhoods during the Jewish religious holidays. The Jewish War Veterans sue to stop the march, claiming that it tends to incite riot and deprive Jews of their First Amendment rights. The Illinois Civil Liberties Union, after a wrenching debate that reduces some Jewish members to tears of torment, resolves to go to court, arguing that the Nazis, too, have a right to march. An equally tormented judge halts the Nazis, declaring that they seek no lawful rights for themselves but "only to take from others rights to which they are entitled."

Astonishingly, although such cases are today increasingly frequent, the United States Supreme Court did not rule in a First Amendment case until 1919. It then upheld conviction of a radical for passing out anti-draft leaflets, declaring that "freedom of speech" did not include any speech which presented a "clear

and present danger" of causing criminal acts that Congress could outlaw directly. In the 1950s, however, the Court plunged headlong into the business of drawing First Amendment lines, causing Justice Robert H. Jackson to warn, "If the Court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact."

In 1956 the Court began using a variety of technical and constitutional grounds to void most of the laws that Congress and the states had devised against deliberate extremist subversion. In 1965, it adopted a policy of intervening in state prosecutions whenever defendants pleaded that their First Amendment rights were jeopardized. Then, in June 1969, the Court, reversing the conviction of a Ku Klux Klansman for televised exhortations against "niggers and Jews," declared that states may not punish advocacy of force or criminal acts "except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." Prosecutors were dismayed. Said one, "It seems I cannot convict a man for urging people to bomb police stations unless he says which police station and what time."

In Philadelphia, in February 1971, a black militant announced at a televised Black Panther press conference: "Any black person who inflicts death on any police officer in the black community is clearly carrying out an act of justifiable homicide." Other militants distributed leaflets urging blacks to "get your guns" and "kill the pigs."

Within 72 hours, a policeman was shot dead. According to prosecutor Richard Sprague, a 15-year-old black is said to have admitted to police that he and an 18-year-old companion were going to "get me one of those punk cops." Police asked: Can the inciters be prosecuted? "We can't prove that the boys responded to any specific incitement," ruled Sprague. "As I read the Supreme Court's decision, it's useless to prosecute for incitement unless violence actually and directly follows."

Since then, such situations have recurred. In recent months, four New York policemen have been killed and four others hurt in ambush-murders, New York's deputy police commissioner Robert Daley publicly displayed Black Panther literature extolling the cop-killings, and warned that small groups of extremists influenced by such fiery rhetoric were ranging from California to Florida to New York, committing armed robberies and unprovoked assaults on police.

The problem of striking a line between liberty and license has been made more difficult by two epochmaking 20th-century developments. First, following Lenin's injunction to use sustained mass-media campaigns of hate propaganda "like an enormous blacksmith's bellows," revolutionaries have learned to "blow every spark of popular indignation, every trace of discontent" until it bursts into an explosion of seemingly "spontaneous" street violence. Second, air transportation and electronic broadcasting have introduced a new age of mass audiences and mass propaganda. For a master orator such as Daniel Webster, the maximum audience possible was about 20,000. Yet in a single day in his 1932 election campaign, Adolf Hitler—combining airplane and radio for the first time—spoke to two rallies of 60,000 persons each and in the evening addressed 120,000 massed in a Berlin stadium, while 100,000 more listened outside via loudspeakers and millions more via radio. Today's professional agitator uses a bullhorn to collect a crowd and attract TV cameras. Observes French sociologist Jules Monnerot: "Men administering obsessive verbal bombardments in massive doses can turn whole crowds into lions."

The right of citizens to register their complaints is not only our most precious national heritage; it is our ultimate source of social strength and stability. But, since words are used both by democracies to seek justice and by totalitarians to organized disruption, how can we stop the destroyers without inhibiting wide-open dialogue? Leading jurists, legal scholars and law-enforcement authorities point to these guidelines from our constitutional traditions:

Each case must hinge on specific evidence laid before a jury. Judges traditionally ask juries to apply two tests: Does the speaker, by words and demeanor, evidence a real intent to cause violence? Is there a real likelihood that violence will occur? Says Columbia law professor Herbert Wechsler: "Jurors must listen to witnesses describe the speaker's words, behavior and setting, and reach their own conclusion about intent and the imminence of danger, subject to the usual judicial review."

Thus, Baltimore jurors watched videotapes, heard witnesses and sent to prison three "National States Rights Party" agitators who incited white teenagers with chants of "To hell with the niggers!" and "White man, fight!" until

they roared forth, attacking black pedestrians and motorists. Yet Washington grand jurors refused to indict the National Welfare Rights Organization leader who massed 150 marchers on the U.S. Capitol grounds, urged "guerrilla warfare" to "hit them downtown," then led the mob to a stone-throwing assault at the nearby welfare headquarters. As Justice Oliver Wendell Holmes said, a person's rights often depend upon his estimating correctly what a jury will later decide.

It is both proper and vital for civil authorities to stop incitement before it spawns violence. East Tennessee State University expelled eight students for distributing leaflets in May 1968 which urged their fellows to "assault the bastions of administrative tyranny." A federal court approved: "It is not required that college authorities delay action against inciters until after the riot has started."

If the policeman on the street must make spot decisions to forestall mass violence, the entire court machinery guarantees careful review. A Chicago policeman was routinely assigned to monitor "Operation Breadbasket" pickets at a supermarket. The protesters directed his attention to an under-age youth who was making an illegal liquor purchase. The policeman duly arrested the young buyer and cashier, both black. Thereupon the picket leader cried: "How come you arrest the colored and not the white store manager?"

With his pickets pushing in behind him, the leader kept shouting his demands until the officer arrested him for disorderly conduct. He was convicted, and the Illinois Supreme Court upheld the conviction, ruling that the law on disorderly conduct forbids "any act in such unreasonable manner as to provoke a breach of peace."

Citizens can and must act legally in their own right to protect ordered liberty. Without public support, civil authorities are powerless. In Portland, Ore., radicals converged with the avowed intent of turning an American Legion convention into a riot. Volunteers calling themselves "People for Portland" mobilized, met with police, agreed on a plan to counter-infiltrate parade crowds, and surrounded and smothered trouble-makers with exhortations to "Keep it cool."

In St. Louis, Catholic and Presbyterian churches were invaded by mobs of black militants on three successive Sundays. When officials took no action, members of the congregations obtained a court order to stop the disruption. Federal judge James Meredith found that the Black Liberation Front had violated both state and federal criminal laws and "effectively denied the plaintiffs their constitutionally guaranteed right to freedom of worship."

States must update their laws, and prosecutors vigorously enforce them. Since Congress passed the law in 1968, any interstate travel or broadcast to urge or organize violence has been a federal felony. But state laws still need modernizing. Connecticut legislators have made it a felony to "advocate, encourage, justify, raise, incite or solicit" any assault upon police, damage to property or injury to any individual or class of persons. Federal judges have upheld the law. Numerous other states need to follow Connecticut.

At the same time, prosecutors should stop sidestepping violations just because it means entering the First Amendment jungle. Los Angeles County prosecutor Evelle Younger in 1969 ordered the nation's first full-scale felony prosecutions for campus revolt crimes. He convicted 20 student radicals who invaded a college administration building and manhandled and held at knifepoint some 35 persons. California subsequently elected Younger their attorney general, a clear signal to other law enforcers to do their job.

Appellate judges must balance their concern for First Amendment freedoms with due attention to the constitutional order that guarantees them. Many legal authorities are dismayed that appeals courts do not respond with faster, firmer and clearer decisions. In February 1970, Rennie Davis and Abbie Hoffman were convicted by a Chicago jury for their roles in staging the 1968 Chicago Democratic Convention rioting. They were ordered to jail, but appellate judges freed them pending appeals. Still free last year, they both stumped the country organizing the "Stop the Government" rioting in Washington last May 3, which forced police to resort to mass arrests of some 12,000, including innocent by-standers. Now the Justice Department has mounted new prosecutions, but with a discouraging prospect of more years of appeals before these professional engineers of mass violence can be stopped.

George Washington once admonished Americans that if they were to enjoy democracy under their new Constitution, they must learn "to distinguish between oppression and the necessary exercise of lawful authority." Today, restless extremists and revolutionaries, determined to use our freedoms to destroy freedom, require that we confront anew the age-old task of balancing conflicts between order and liberty. The wisdom with which we meet this challenge will determine the quality of freedom in America for years to come.

APPENDIX 6

THE UNMAKING OF A "DOCUMENTARY"—FILM VS. FACT

(By Ernest W. Lefever, July 1973)¹

Costa-Gavras, the "Hitchcock of the Left," spared little effort in his attempt to convince American critics and the public that his controversial political film, *State of Siege*, is a genuine, factually exact account of the public life, kidnapping, and "execution" of Dan Mitrione by the Tupamaro guerrillas in Uruguay in 1970. Mitrione worked for the Agency for International Development as an adviser to the civil police in Montevideo.

Varying his words slightly, Costa-Gavras made his claim a score of times in New York and Washington interviews with newspaper, radio, and TV people. Unusual attention was focused on the documentary question by the abrupt withdrawal of *State of Siege* from its scheduled American premiere last April 5 in the new American Film Institute theater in Washington's Kennedy Center by AFI director, George Stevens, Jr., because it "rationalizes an act of political assassination" and was thus inappropriate to present in a memorial to an assassinated President.

"The events in this film actually took place in a South American country," says the opening line, followed by a close-up of a light green Cadillac with a Montevideo license plate. *State of Siege*, like Costa-Gavras' box-office hit, *Z*, has a documentary format. He and his co-author, Franco Solinas, who wrote *Battle of Algiers*, intended it to be dramatic journalism, to be accepted as fact, not fiction.

To underline the point, Costa-Gavras and Solinas published a book in France and the United States, *State of Siege*, containing the screenplay and 80 pages of "the authentic documents that inspired the script" of this "exact documentary."

"We built a rigorous construction of events," says Solinas in one of the book's documents, "without inventing anything, and above all without foisting on Mitrione a culpability which was not proved by facts." Costa-Gavras adds: everything is exact and true except "some of the conversations," but even the Tupamaro interrogation of Mitrione "remains faithful to the spirit of his character and the Tupamaros" and "everything is respected right to the end."

In various promotional encounters in America, Costa-Gavras emphasized how diligently he pursued evidence through reading and two field trips to Uruguay before the filming in Chile. "We verified" our facts by talking to Uruguayan journalist" and consulting "books about AID; I probably know more about government statistics than some people in the government." We wanted to use only the "facts" that "we could be sure of by research."

This claim that the dramatic events in *State of Siege* are factual, at least in their essentials, was accepted at or near face value by a number of American reviewers and critics. Some took the opposite view, but most reviewers never faced the issue directly.

Judith Crist in New York Magazine saw the film as an authentic document. Costa-Gavras, she says, has performed a "public duty that the American media has failed in—by informing us of a situation which, I would say, 99 per cent of the public is completely ignorant." Noting that the co-authors "researched and documented their case," she is horrified at revelation "heaped upon revelation" portrayed by this "brilliant" expose of "American imperialism in Latin America." She is upset by AID's active role in "suppressing political dissent" in Uruguay.

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"a land of total repression," by providing "instruments of torture (shipped under diplomatic cover)."

"Is Costa-Gavras telling it like it was in Uruguay?" asks Leonard Harris on WCBS-TV News. He answers his own question. In the panel held after the April 12 film showing at the Beekman, he says, "no one on it suggested he wasn't. I'll give State of Siege five out of five camera eyes." The panel members were Costa-Gavras, Solinas, Arthur Schlesinger, Jr., Allard Lowenstein, Jose Yglesias, and Nat Hentoff who moderated.

Other critics called the film dishonest and distorted. "For all its hyped-up drama and feverish social consciousness," it is "just a tract on dirty Yankeeism in Latin America," said Paul D. Zimmerman in *Newsweek*, adding: "Like Costa-Gavras' other films, *Z* and *The Confession*," it is a "melodramatic left-wing re-staging of recent history." Smith Hempstone in the *Washington Star News* said the film was "fundamentally a propaganda tract which falsely indicts the United States" and is in "the ignoble tradition of the Big Lie."

This mixed critical reception calls for a serious examination of two questions: Is the film an honest documentary, a fictional thriller, an anti-American propaganda tract, or a combination? Will it have, as Judith Crist and other reviewers have suggested, a constructive impact on Washington's policy toward Latin America by shocking American citizens into an awareness of the "torture and repression" that the Agency for International Development carries out in their name?

These questions can be pursued only by comparing the film with the facts, the flashing, disjointed, and confusing images of *States of Siege* with the straight forward march of events in Uruguay that led to the murder of Mitrione on August 9, 1970.

FILM'S VERSION OF THE MITRIONE STORY

The primary action of *State of Siege* is confined to eleven days, from the kidnapping of Mitrione on July 31, 1970, until his body is found on August 10. Much of this time he was being interrogated by his Tupamaro captors. This interrogation is frequently interrupted by vivid flashbacks to events in Mitrione's ten years as an AID adviser. These scenes, often violent and lurid, are shown to justify Mitrione's guilt as a willing tool of American imperialism and repression.

Mitrione (Philip M. Santore in the film played by Yves Montand) is depicted as a super-agent operating as an AID public safety adviser. According to the film, he was first dispatched to Brazil for five years (1960-65) to help overthrow "Goulart's democratic regime" and replace it with a repressive military government. Then the viewers see him sent to the Dominican Republic for two years (1965-67) to install, with the help of the U.S. Marines and the CIA, a reactionary junta acceptable to the United Fruit Company and Cardinal Spellman.

During two years (1967-69) at AID's International Police Academy in Washington, D.C., Mitrione, according to the film, taught Uruguayan and other Latin American police officers in the tactics of torture and repression and enlisted them in the service of promoting the financial interests of the United States.

Mitrione was sent to Uruguay in 1969 to uphold the "semi-fascist regime" against the onslaught of "democratic" forces, particularly the Tupamaro guerrillas who were attempting to "liberate" the poverty-stricken Uruguayans from the brutal yoke of oppression. There, as in Brazil, the film contends he taught the police how to torture efficiently. He also is charged with organizing fascist "death squads" to kill Tupamaros. As a result of this "repression," the Tupamaros had no other choice but to kidnap Mitrione and two other foreign officials, and demand as a price for their freedom, the release of 150 "political prisoners." The government did not give in to their demand and Mitrione was "executed."

Costa-Gavras' version of the Mitrione experience is further revealed by comparing the major events and impressions conveyed by the film with actual facts. In the *film-versus-fact* analysis that follows, I have occasionally augmented the film portrayal with material from the book, particularly an interview with Costa-Gavras and Solinas. The film, the "documents," and the interview tell essentially the same story. The facts are drawn from my independent and comprehensive study of the U.S. public safety assistance program and about a hundred interviews with Americans and Uruguayans acquainted with some facet of Mitrione's personal life or professional work.

WHO ARE THE TUPAMAROS?

Film: The Tupamaros are portrayed as young, virile, disciplined, intelligent, competent, and possessed of a dream of justice and compassion for the poor.

Though generally self-assured, the Tupamaros are capable of anxiety and temporary doubts, at least about tactics, if not about the righteousness of their cause. They are cast as the vanguard of liberation from fascist repression. The Tupamaros have a "perfect organization" and are "held together by serious, passionate idealism," said Costa-Gavras.

Fact: Since their beginning in 1962, the Tupamaros have been a small, paramilitary, terrorist organization, seeking to subvert or overthrow Uruguayan democracy, though it is not clear what they intend to put in its place. Their heroes appear to be Castro and Mao, but they never issued a clear statement of their political and social philosophy. They have demonstrated greater skill in social demolition and criminal terror than in constructive planning. Like the urban guerrillas in Colombia, Venezuela, and Argentina, the Tupamaros represent an odd mixture of idealists, romantics, nihilists, and thugs. They use some of the methods of the Weathermen and the Black September fighters.

Film: Costa-Gavras presents the Tupamaros as humane and considerate, turning to violence only as a last resort. They are solicitous in caring for the "accidental" gunshot wound Mitrione suffered when captured. At great risk they smuggle him through a police barricade to a hospital for a chest X-ray by dying his hair, adding fake mustache, and making false identity papers.

Fact: Playing on popular economic grievances in Uruguay and taking full advantage of the vulnerable political system, the Tupamaros first established a kind of Robin Hood image by allegedly distributing to the poor some of the loot from one of their first robberies. But from the early years, they engaged in violent criminal activity—robbing, arson, auto theft, bombing, kidnapping, and murder. They killed their first policeman on December 16, 1966, by shooting him in the back with a sub-machine gun. By the time of Mitrione's kidnapping, they had murdered eleven policemen and kidnapped three Uruguayans. (By May of 1973 the Tupamaro murder toll reached 45.)

By mid-1970, they had robbed a naval armory, stole explosives from a quarry, held up banks, burned the General Motors offices, and raided the small town of Pando. The raid resulted in the murder of one policeman and the death of a bystander. A farm worker who stumbled onto a Tupamaro hideout in Pan de Azucar was murdered. Witnesses to terrorist crimes were threatened with death and suffered reprisals. One was murdered for giving information to the police. None of these incidents is depicted in the film.

Mitrione was not treated as gently as portrayed by Costa-Gavras. When abducted, his car was rammed, not blocked as the film has it, and his driver stunned. Mitrione was beaten, kicked, cursed, and shot from the back while lying down, helpless and unarmed. The film shows him wearing a gun (he never carried one overseas), and makes no reference to the rough handling or the beating by a blunt instrument at that time or shortly thereafter. The blows broke the skin and left three distinct wounds near his left armpit that matched the shape of the butt of a .38 Colt revolver, a number of which the terrorists had recently stolen.

The film generally follows the official autopsy report which was inaccurate in two respects. Made by a coroner said to be sympathetic to the Tupamaros, the report failed to note the three armpit wounds and erroneously recorded the first bullet as entering the middle of the chest. The report correctly notes the two entry and one exit wound in the head, which the picture omits, and the presence of "injection marks" on the arms, but does not mention that there were 16. The toxicological report was negative, so it is not known what drugs were administered or why. Ironically, the autopsy scene indicates that Mitrione's wrists bore excoriations "most likely due to prolonged use of homemade handcuffs." There were no marks on his wrists or other visible signs of physical torture, except possibly the three armpit lacerations. Mitrione was also subjected to intense interrogation while still suffering from the trauma of his initial gunshot wound.

Every person I interviewed believes that the film sequence showing Mitrione being taken to the hospital was a fabrication designed to show the Tupamaros in a humane light. Since they had their own medical personnel and X-ray equipment, this risky enterprise seemed unnecessary and foolhardy. Contrary to the film, there was no black dye in his hair when the body was found. The film also failed to show that the U.S. diplomat Anthony Lee (Gordon Jones in real life), whom the Tupamaros briefly captured, was several times hit on the head with a length of pipe.

Film: *State of Siege* depicts the Tupamaros as democratic and status free. This point is most vividly made in the poll of cell chairmen taken on a half-empty bus by a top Tupamaro leader who asks each one as he sits beside him

whether Mitrione should be executed or not: "You know the situation. It's not a question of sentiment. He never had any." Among the cell chairmen are a worker, a "young and very lovely" woman, a well-dressed, middle-aged man, and a military officer—giving the impression that the Tupamaros represented many walks of life.

Fact: Like traditional Marxist cell-based organizations, all Tupamaros called each other "comrade," but according to a Western diplomat who observed them for months as their prisoner, everybody knew who the sergeants, captains, and generals were. Independent studies of the terrorist group agree that the organization was highly authoritarian and hierarchical. If something like the bus poll did take place, it was probably a device for informing cell leaders of the decision to "execute" already made by the "people's court" at the top.

One's status in the action side of the Tupamaro command structure was often symbolized by the size of weapon he was permitted to carry. One prisoner, observing how frequently his guards fondled their pistols and automatic weapons, concluded that many Tupamaros had a deeply-engrained gun fetish.

Film: Costa-Gavras gives the impression that the Tupamaros received widely based public support, stretching from significant elements of the Roman Catholic Church to the Communist Party. The film is much more explicit about the Catholic connection, possible because Mitrione was an active Catholic layman. In the Cathedral funeral scene, the archbishop of Montevideo is portrayed as sympathetic to the Tupamaros and hostile toward U.S. aid by drawing attention to the archbishop's conspicuously vacant chair. The Papal Nuncio officiates in his place. In his book, Costa-Gavras says the Pope denounced "the systematic torture put into effect" by Mitrione.

The Communist connection is muted, probably because Costa-Gavras is more pro-Tupamaro than Solinas. In the episode showing eight Communist workers being massacred by Uruguayan soldiers, the film implies that the Tupamaros and the Communists were comrades in both ends and means. The film also implied that students, intellectuals, workers and all believers in justice were sympathetic to the Tupamaro cause, if not their terror tactics.

Fact: The Tupamaros never gained support even of a significant minority of the population. They tried to influence the ballot and in 1962 the Union Popular Party faction nearest to their views polled 2.3 percent of the vote. At the zenith of their power in 1971, the most clearly allied faction (Erro) got 4.3 percent of the vote.

The terrorists never had the support of the Catholic hierarchy. Contrary to the film, the archbishop of Montevideo did celebrate the Cathedral memorial mass on August 22, though he did not attend a small mass for Mitrione three days earlier conducted by the Papal Nuncio. (The film portrayal of the coffin draped with an over-sized American flag, the distraught widow, and Mitrione's medals on display, was also a fabrication. Mitrione's body was flown home on August 11, he was buried at Richmond, Indiana, and he had no medals.) The Catholic hierarchy deplored Tupamaro violence as well as violence by the government and explicitly condemned the murder of Mitrione. Though a handful of priests were sympathetic to the terrorists and critical of the United States, the hierarchy never criticized U.S. public safety assistance or any other form of American aid. On August 14, a Reuter dispatch quoted the outspoken leftist Brazilian Bishop, Helder Camara, as saying that the kidnapping of Mitrione and others was "absurd and inhuman." While Mitrione was held captive, his wife was presented a medallion by the Papal Nuncio.

The turbulent relation between the Tupamaros and the Communist Party never emerges in the film. The old-line Uruguayan party tried to steer a middle course between Havana and Moscow, praising the "courage and sincerity" of the terrorists, but insisting on revolution by other means. The day after the murder of Mitrione, which drove a further wedge between the two, a Uruguayan Communist leader said the assassination "had accomplished what nothing else could; it made the government of President Pacheco stronger and more popular now than ever. These 'insane fanatics,' he added, sought to provoke social chaos at any cost and may actually be content 'simply because they wanted the eyes of the world focused on Uruguay and the Tupamaros.' In 1971, Moscow denounced the Tupamaros as "petty bourgeois pseudo-revolutionaries" and "rollicking loud-mouth thugs" pursuing "gangster tactics."

WAS THERE A "STATE OF SIEGE" IN URUGUAY?

Film: Uruguay in 1970, according to the film, had a corrupt, semi-fascist, repressive, and brutal government. Abject poverty was widespread. Workers were oppressed. Students and left-wing political leaders were denied their constitutional rights under infamous "state of siege" measures imposed in 1968. The Tupamaros were being persecuted. There were 150 "political prisoners."

Fact: Slightly larger than Missouri and with three million people, Uruguay in 1970 was one of the most democratic and open countries in the world. Its president and two houses of parliament were popularly elected. The two major parties and a wide variety of other political groups were free to debate, publish, and organize. There was an active legal Communist Party of 37,000 members with elected representatives in parliament and a widely circulated newspaper. Communist influence was strong in the trade unions, the university, and the public schools. Uruguay had no death sentence, the maximum penalty for any crime was 30 years, and the prisons were run by the Ministry of Culture and Education.

But Uruguay in 1970 was in fact facing serious economic and political problems. The economy was stagnant because of declining exports and excessive state expenditures to support one of the world's most complete welfare systems. The per capita income, however, was twice that of Brazil and the income was far more evenly distributed. The Communist-dominated trade unions struck frequently and showed little interest in productivity. Much of the economy was nationalized and the attitude that the government owed everybody a living was widespread. There was some corruption in the state-owned enterprises.

On the political side, the liberal constitutional tradition combined with decades of peaceful democratic political development had produced one of the most open and permissive governments in the world. The constitutional provisions for individual rights exceeded those in the United States. There was a strong anti-authority bias in the population. Liberty bordered on license in this "marshmallow state," as one observer called it.

With worsening economic conditions in the early 1960s and a creeping malaise associated with a welfare state gone to seed, militant students and workers, usually organized by the Communist Party or Marxist groups to the left of it, took advantage of the vulnerable situation to press their self-serving demands through strikes and violent demonstrations. The students used the university grounds as a privileged sanctuary for their subversive activities.

To deal with rising turbulence, especially in the streets of Montevideo, President Pacheco on June 13, 1968, invoked "emergency security measures" under paragraph 17 of the constitution. This gave the government authority to prohibit strike-inciting propaganda and disruptive demonstrations and required police permits for large public meetings. The measures did not infringe on the basic rights of arrested persons—to see a judge within 24 hours, to have an attorney present at all hearings, to be indicted within 48 hours or released, and habeas corpus. These rights were rarely abridged, in part because a vigilant parliamentary opposition was quick to fault the government for the smallest infringement. In a few cases suspects were reportedly held more than 48 hours before being turned over to judicial authorities. Perhaps the most drastic use of these measures was the closing of the University and the high schools for one month in the fall of 1968.

The Tupamaros continued to intimidate judicial officials by threats and frequently terrorists convicted of serious crimes were released after serving a few months because of such intimidation.

The special measures had little effect on the ordinary citizen. There was no curfew. While Mitrione was held prisoner by the Tupamaros, some citizens were inconvenienced by police checks. But this was nothing compared to the discomfort of long strikes and violent student demonstrations in downtown Montevideo. (The day Mitrione's body was found, Parliament suspended individual civil guarantees for a 20-day period under Article 31 of the constitution to facilitate the search for the murderers. This was unprecedented in Uruguayan history.)

During the period covered by the film, there was no emergency authority that permitted the arrest of a man because of his political beliefs. Calls for a revolutionary new order were freely voiced in many publications. The 150 "political

prisoners," whose release the Tupamaros demanded, were not political prisoners in any legal sense, but Tupamaros and other extremists accused or convicted of auto theft, robbery, arson, bombing, kidnapping, or murder.

The remarkably free and diverse press of Uruguay was little affected by the 1968 emergency measures which prohibited publishing several words, judged to encourage terrorism (such as Tupamaro or guerrilla) and propagandizing for labor disturbances. The Communist daily, *El Popular*, published continuously, except for suspensions of about three days a year for infractions. Two leftist newspapers, *De Frente* and *Extra* were closed permanently, but they reappeared in new guises. Right wing and moderate dailies were also occasionally suspended for brief periods. There was no censorship of news dispatches going out of the country.

The real curtailment of freedom of the press came from strikes called by Communist-controlled unions against non-Marxist papers. At one point, *El Popular* was for several weeks the only newspaper on the streets.

The film's allegation that there was a "state of siege" since 1968 is not true. No emergency authority approximating that implied by this inexact phrase was in effect until four years later, 19 months after Mitrione was murdered.

On April 15, 1972, a "state of internal war"—a form of martial law—was declared by Parliament. It was a direct answer to concerted Tupamaro attacks the day before—known as Bloody Friday—that resulted in the murder of four Uruguayan officials—a Navy captain, a former deputy Minister of the Interior, and two policemen. The Minister's wife and three policemen were wounded; one policeman later died. In response to these attacks, police-military teams raided known Tupamaro hideouts; 18 terrorists were arrested and 8 were killed in the ensuing shootouts. More drastic than the August 10 measures, the declaration of "internal war" transferred authority to deal with subversive activities (not ordinary crime) from civilian to military courts. No curfew was imposed.

The very title of the film is a fabrication designed to present Tupamaro terror as a justified response to government "repression." In fact, there was no government repression in 1970, unless legal enforcement of the law is repressive. The stern measures the government took in 1972 were the direct result of Tupamaro terror against innocent people. Costa-Gavras tore this event out of the future, moved it back four years, and twisted it to support a false thesis.

WERE THE POLICE GUILTY OF BRUTALITY AND TORTURE?

Film: The film sponsors the impression that Uruguay was a "police state." The opening scenes depict a massive manhunt for the kidnapped Mitrione with countless police cars and military vehicles crisscrossing Montevideo. The film says the United States "donated 300 patrol cars to the police." In several later episodes, the police or soldiers (it is not always clear) are shown brutally handling people. A woman senator reports that a Inquiry Commission has found that police "torture" has become frequent and habitual. In one scene, soldiers and police plainclothesmen are shown machine-gunning to death eight Communist workers in cold blood after they flee out of a Party headquarters "with their hands up."

Fact: Brutal methods have been used by some policemen in virtually every country and it is difficult to verify allegations of police misbehavior, particularly the abuse of prisoners, but available evidence indicates that incidents of such illegal and inhumane behavior in Uruguay in 1970 were probably no more frequent than in most other Latin American countries, and possibly less so in view of its remarkably liberal law enforcement tradition.

By 1970 there were 8,400 police in Montevideo with about 30 useable radio-patrol cars to deal with a population of 1.4 million. (Detroit with 1.5 million has 750 radio-equipped vehicles.) The police were authorized to carry only .38 revolvers, except on special missions. There was also a 20-vehicle riot-control unit and two horse-mounted units. In view of civil disturbances and increasing Tupamaro terror, "police mobility was very thin," according to a U. S. police adviser; "they should have had at least 75 cruisers." (Incidentally, AID had given only 36 police vehicles since the public safety program began in 1965. The government had bought about 300 cars, 100 assigned to Montevideo.) Relying largely on static guarding of banks and public buildings and foot patrol, the Montevideo police were highly vulnerable to hit-and-run terrorist attacks.

In 1969 the Tupamaros mounted 38 violent assaults against individual policemen. Four police were murdered. With this provocation, tensions between the ter-

rorists and police mounted and the Montevideo police chief cautioned against any abuse of suspects or prisoners. Charges of police brutality in the left-wing press rose with rising Tupamaro arrests. A special seven-man Senate committee reported on June 10, 1970, that "police torture is a common occurrence," "Judicial procedures have been delayed," and policemen accused of mistreatment have not been disciplined. The use of lighted cigarettes, electric shock, and other physical abuses were listed among 33 allegations of police misbehavior. Apparently these charges included lesser abuses than "torture," such as holding a suspect for more than two days without turning him over to judicial authorities.

The report, which was debated in Parliament but never acted upon, exaggerated the situation according to a leading committee member who said privately that he doubted the existence of systematic torture, but believed some harsh methods were employed by a few isolated, lower-level police with sadistic tendencies, adding that even these scattered abuses had largely, if not entirely, disappeared as a result of the investigation.

Tupamaro leaders were unlikely candidates for abuse because the police were vividly aware that they might share the fate of police inspector Moran Charqueo, who was accused of mistreating terrorist suspects and whose body was found on April 13, 1970, riddled with 29 machine gun bullets. "Many of the policemen I knew were apprehensive about Tupamaro reprisals," said an AID police adviser, "furthermore, most of them regarded the mistreatment of prisoners as unprofessional, unproductive, and immoral."

The Tupamaros recognized that police generally reacted within legal norms in handling of terrorist suspects. In their own *Manual of Interrogations*, it is stated that "the oligarchy must stay within legal formalities in their questioning, although they may try savage methods because they are a repressive force." The manual goes on to advise members of their rights to consult legal council, to be brought before a judge, and other safeguards.

The episode of machine-gunning eight Communist workers is also borrowed from the future and twisted. An event that bears a resemblance to it occurred on April 17, 1972, three days after Bloody Friday. It reportedly started when a military patrol was fired upon the Party Headquarters. There was an exchange of gunfire which brought about the surrender of the workers who came out with their hands up. As an army captain approached one of them, the worker took a concealed gun and shot out the captain's eye point blank. "All hell broke loose," said a witness, and eight workers were killed or received fatal wounds. The captain was paralyzed for life. Another patrol member was wounded. A month later, on May 18, Tupamaros in a moving Volkswagen van machine-gunned to death four soldiers sitting in a jeep on static guard duty. Neither this incident nor the shooting of the captain is shown in the film.

DAN MITRIONE: THE MAN

Film: Through interrogation, flashback, inference, and published "documents," Costa-Gavras portrays Dan Mitrione as a super-agent willingly serving U.S. financial interests by installing reactionary, repressive, and semi-fascist regimes in Latin America. "Your methods are war, fascism, and torture," cries his interrogator. Mitrione is presented as a tough, ruthless, calculating, deceitful man who "never had any sentiments," the last charge repeated six times during the bus poll. He is the over-patriotic, self-righteous immigrant, a kind of "convinced Stalinist" of the Right, in contrast to good immigrants like Sacco and Vanzetti, as Yves Montand, who plays Mitrione, says in the book. He is armed at all times. The covers of the American paperback, *State of Siege*, show him with dark glasses, a shoulder holstered gun, and a drooping cigarette, Humphrey Bogart style. In Uruguay he frequented night clubs where he had liaison with shady characters of both sexes.

Fact: The real Dan Mitrione did not smoke cigarettes or wear a gun, he seldom drank, and it is unlikely he saw the inside of a night club during his year in Montevideo. He was a home-centered man of simple tastes. "Dan was a staunch family man," recalls Cesar Bernal, a fellow police adviser in Uruguay, "and unusually compassionate. He was considerate. Brutality was foreign to his nature. The Uruguayans who got to know him held him in affection and respect. He was so convinced that no one would want to hurt him that he didn't carry a gun." This is a typical appraisal among those acquainted with him.

Mitrione was born in Italy on August 4, 1920. The following year, his parents migrated to Richmond, Indiana, where he grew up and attended Catholic and

public schools. From 1942 to 1945 he served as an enlisted man in the U.S. Navy and was honorably discharged as an Aviation Machinist's Mate, First Class. On February 27, 1943, he married Henrietta Lind, and they had nine children (not seven, as in the film). Instead of using the G. I. Bill for college, he joined the Richmond police force in 1945 as a patrolman and by 1956 he was its chief. During this period he was active in youth, social service, church, and other charitable work.

FLASHBACK: BRAZIL AND THE DOMINICAN REPUBLIC (1960-67)

Film: According to Costa-Gavras, Mitrione was well prepared for his secret missions in Brazil, the Dominican Republic, and Uruguay by special training and extensive travel in Latin America.

The film pictures him arriving in Brazil, descending the first-class steps of the Pan American plane with his wife and children. They were spirited away in two spacious AID cars to their two-story home where "a huge basket of exotic fruit" and "three black domestics" await them. He removes his jacket, exposing "a gun and holster discretely at his waist." His double-mission: to overthrow Goulart and holster discretely at his waist." His double-mission: to overthrow Goulart with the help of the military and install a regime with the "blessings" of Cardinal to military officers. Mitrione is directly linked to a lurid scene showing nude males being tortured by electric shock before an audience of military men.

During his two years in the Dominican Republic, he was somehow responsible for installing with the help of 40,000 U. S. Marines a reactionary junta "financed by the CIA."

Fact: Mitrione never had any training to be a secret or any other kind of agent. He traveled very little in Latin America and never set foot on Dominican soil. The Dominican involvement is a total fabrication.

In July 1960, Mitrione joined the Agency for International Development as a public safety adviser, spending his first seven years in Brazil, five in the provincial city of Belo Horizonte, and two in Rio de Janeiro. As an AID adviser to the civil police in Brazil, his job was to help upgrade their professional quality and efficiency by providing modern equipment, technical advice, and training for their officers at AID's International Police Academy in Washington, D.C.

The small public safety effort in Brazil, terminated in 1972, was similar to programs in 16 Third World countries at the present time. The assistance is given in response to a government's request. The advisers advise, they do not give orders, and they do not even advise police elements involved in political intelligence. No U.S. police adviser has ever been declared persona non grata. Currently, the worldwide public safety program has a budget of \$7.5 million, about three-fourths of one percent of AID's total grant development assistance and one percent of U.S. grant military aid.

The film's picture of Mitrione's arrival in Brazil, is about as phony as its portrayal of his work there. He arrived alone, tourist class, because AID officials are not authorized to travel first-class. His wife brought the children by ship, tourist class, and the family went to a hotel in two taxis. There was no gun.

He had nothing to do with the unscheduled change of regime in Brazil. Before and after the coup which occurred while he was there, he served as an AID training adviser to the state and federal police, seeking to encourage civil law enforcement by "legal and humane means." Costa-Gavras' torture school scene is highly implausible and appears to be a figment of his imagination. Mitrione arranged for visits by 34,000 children to police facilities in Belo Horizonte and organized junior baseball teams. After his murder, a street in the city was named in his honor.

FLASHBACK: INTERNATIONAL POLICE ACADEMY (1967-69)

Film: The International Police Academy is depicted as the center of a global network for organizing and carrying out a program to eliminate "democratic" forces in the Third World. Mitrione used his two-year period as instructor to recruit Latin American police officers, particularly Uruguayans, to work for the United States upon their return.

The curriculum of the Academy is confined largely to the teaching of terror tactics, the elimination of "progressive" leaders by bombing, shooting, and planned "accidents." Lurid scenes of a specialized course in Texas "in a deserted town near the Mexican border" are flashed on the screen. Uruguayan policemen are shown blowing up old cars, refrigerators, and paper-thin dummies at a

political rally. In the interrogation, Mitrione is accused of training anti-revolutionary terrorists and provocateurs.

Fact: The Academy teaches a wide spectrum of police skills—administration, management, communication, logistics, weapons, records and identification, investigation procedures, traffic management, narcotics control, VIP protection, and the identification of explosives. To date, some 4,500 police officers and technicians from 75 countries, including 119 Uruguayans, have taken courses at the Academy.

The Academy attempts to create an atmosphere in which the rule of law, orderly change, respect for human rights, and government by consent are affirmed. To this end, there is a strong emphasis on police ethics, including the professional necessity of using only legal and humane methods and the undesirability of employing unnecessary force or accepting gifts. These high ideals are seldom fully attained in any police department, but the staff believes Third World officers should be exposed to them.

As an instructor, Mitrione was chiefly concerned with administration and community relations. He also gave lectures on internal security, emergency planning, VIP protection, natural disasters, riot control, rural insurgency, and comparative American police systems. He taught in the Washington phase of the eight-week Technical Investigation (formerly Terrorist Activities) Course, but did not go with the class to Border Patrol Academy at Los Fresnos, Texas, where practical instruction was given. The aim of the course, first given in 1969 in response to the rash of bombing attacks abroad, is "wholly defensive," according to Dr. John Lindquist, chief of Public Safety training. "It is designed to train police investigators to identify all types of explosives so they can take measures to protect life and property." This is the precise opposite of the film's interpretation. By mid-1970, eight Uruguayan police officers had taken the course, compared to 61 who had had general police courses at the Academy.

WHAT DID MITRIONE DO IN URUGUAY? (1969-70)

Film: When he assumes his post as a police adviser in Montevideo, Mitrione is depicted as the successor of a lieutenant colonel from the U. S. Army Special Forces. He pretends to be a "communications expert," though he is really a FBI or CIA agent. His interrogator informs him that 100 FBI agents have been flown in to help gain his release. His principal occupation is to teach effective torture techniques and to organize and direct repressive police operations against the Tupamaros. His subversive work fits neatly into the larger U. S. presence, particularly the numerous AID technicians, who are in Uruguay to serve the interests of giant American corporations in exploiting the "wretchedly poor" in the countryside and in Montevideo's "sprawling" slums.

Much of the film's action is rooted in the close personal and professional relation between Mitrione and a police officer in political intelligence, Captain Lopez, both cast as arch villains. Mitrione is shown cultivating Lopez while he was a student at the Washington Academy and Lopez is shown meeting him on arrival in Uruguay. The film implies that Mitrione is responsible for the two electric shock devices sent to Captain Lopez through the "Diplomatic Mail" from Brazil.

Fact: Mitrione as chief of a four-man public safety advisory team in Uruguay did not succeed a U. S. Army officer, but a civilian police officer, Adolph B. Saenz, a Mexican-American from Albuquerque, New Mexico, who had been in Montevideo since January 1965. Mitrione never worked for the CIA or FBI. No FBI agents were sent in to deal with the kidnapping and none was stationed in Uruguay. In portions of his taped interrogation released by the Tupamaros, presumably the parts most damaging to him, Mitrione answered honestly: "I know very much about the FBI because I graduated from their academy," but I know nothing about the "interior parts of the CIA." Mitrione was one of more than 6,800 American police officers who took the 12-week course at the FBI Academy; he carried a membership card: "F.B.I. National Academy Associates of Indiana."

Neither Mitrione nor any other police adviser had anything to do with torture or any other forms of police abuse, except to advise against all inhumane or illegal methods. In this, they were acting like U.S. public safety advisers then in 20 other countries. Both advisers and Academy instructors have pointed out that a fingerprint or a chip of paint was far more reliable evidence than a worthless confession beat out of a suspect. In visits to 15 countries receiving police assistance including Uruguay, I found no evidence that any U.S. adviser ever approved, much less advocated or taught torture or any other illegal prac-

tice. If abuses did occur, the United States could hardly be held accountable for them.

One Assistant Secretary of State for Inter-American Affairs (1967-1968), Covey T. Oliver, spoke for all informed observers when he dismissed the charges that AID advisers taught or condoned torture as "stupid and untrue." "No inheritors of the Iberian-Roman tradition," he added, "seem to need such instruction from representatives of other cultures." I believe the "cruel methods" were reduced because some assisted police services accepted U.S. advice.

Mitrione had no close professional relation with Captain Lopez (Lucas in real life) or any other police officer connected with political intelligence. Captain Juan Maria Lucas, a section chief in police intelligence was shot by the Tupamaros in the upper back on the night of January 2, 1970, as he bent over to kiss his wife at the front door. (The scene was not shown in the film.) He still carries the bullet in his neck. Lucas did attend the Washington Academy when Mitrione was an instructor. They met once in Washington and two or three times in Montevideo for a few minutes, but never to discuss police work. They had no professional association because Lucas was in police intelligence with which Mitrione had nothing to do. Contrary to the film, he never visited the intelligence office and spent only an hour a week at the regular police headquarters located in another building. When Mitrione correctly made the latter point in the interrogation, the film gives the impression that he was lying.

Apart from the fact that Montevideo had no "sprawling" slums, the allegation that U.S. economic assistance is exploitive hardly requires an answer. By 1970 the Uruguayan government had received \$62.5 million from AID to stimulate the stagnant economy. In that year alone, \$16.9 million was provided, \$285,000 or 1.7 percent to assist the civil police.

Film: According to Costa-Gavras, Mitrione was not only a secret agent, but an actual operator with the Uruguayan police force who organized fascist "death squads" to murder "liberation" leaders and directed agent-provocateur incidents to provide a pretext for police "repression." In two vividly brutal scenes, illegal police terror is depicted with the clear implication that Mitrione was behind it.

The film shows a group of high school students peacefully collecting money for "striking workers," when all of a sudden a student is shot dead from a rooftop terrace where there were four policemen dressed as civilians and armed with .22 carbines with telescopic lenses. Simultaneously, the students are charged by police in the street. The men with guns escape unhurried in a police car.

Mitrione is also portrayed as the instigator and pay-off man behind the "death squad" beating and shooting of a man on "a very beautiful beach" just as the sun appears on the horizon. Costa-Gavras says this man was "murdered by the organization created by Mitrione" and that he formed and directed a fascist terror group made up of hand-picked Academy graduates.

Fact: Mitrione had nothing to do with torture, "death squads," or any other illegal police activity. In fact, no incidents of police provocation or vigilantism occurred or were alleged to have occurred before Mitrione's murder. The two events portrayed in the film were again torn out of the future, and one of them was turned upside-down to serve as propaganda aims of the films.

Several temporary and ill-organized vigilante groups did emerge in 1971 and 1972 in angry reaction to increased Tupamaro terror, much to the dismay of Uruguayan authorities and U.S. advisers. They engaged in some sporadic intimidation bombing and killed at least two persons, but the scale or effectiveness of their terror was nothing compared to that of the Tupamaros. On July 31, 1971, exactly one year after Mitrione was kidnapped, the body of Manuel Ramos Filipini, a Tupamaro recently released from prison, was found on the beach. Leaflets left by the body suggest that he was murdered by an anti-Tupamaro group. These illegal groups were widely condemned in the Uruguayan press. They received no American support.

Evidence indicates that the student killed in the street was accidentally shot by one of his comrades, not by the police. From time to time, the students at the Vocational Institute, a night school, set up barricades to extort money from vehicles passing by. The petty racket was practiced not so much to gain funds for left-wing causes as to demonstrate that the police were incapable of preventing it. If the driver did not pay up, he would suffer the consequences. On the night of July 24, 1971, a bus driver refused to pay. He was dragged out and beaten up and his bus was stoned. When the police arrived, the students ran for shelter in the Institute, and one was shot dead. From the angle of the bullet in the body, it appeared to come from the roof or upper floor of the Institute which was oc-

cupied by militant students. Further, the bullet was from a .22 caliber gun and the police were not issued weapons of this type.

If Mitrione did not teach torture and organize counter-revolutionary terror in Uruguay, what did he do? He did what he did in Brazil—attempt to help the civil police become more efficient and professional. "In addition to his administrative duties, he had two pet projects," said a colleague, "each dealing with the police outside the capital city—telecommunications and training."

He traveled to many of the 18 departmental police services, urging them to join in a country-wide VHF-FM radio net and offering U.S. assistance for 50 percent of the cost of this relatively inexpensive and easy-to-maintain system. In his visits, he also encouraged regional police training courses. With the help of other advisers, he organized four-week crash courses which covered crime investigation, police legislation, code of criminal procedures, criminal law, crowd control, narcotics control, and firearms training.

In his year in Uruguay, Mitrione earned the respect of top officials in Montevideo and local police throughout the country. Two years after his murder, the government issued a commemorative postage stamp, hailing him as a "Servant of Freedom."

A PROPAGANDA TRACT MASQUERADING AS A DOCUMENTARY

If a documentary should bear a substantial resemblance to reality and if it should advance more truth than error, *State of Siege* is not a documentary. The film does include some facts about the aims and tactics of the Tupamaros and about the kidnapping and murder of Mitrione. But it omits the most important facts, distorts other facts, and invents "facts" to advance its single-minded purpose. It adds up to a massive massacre of the truth.

The arson, robberies, bombings, assassination attempts, and murders committed by the Tupamaros go virtually unmentioned. There is not a single scene of a Tupamaro murder. The viewers are even spared the details of how the principal character was killed. When asked why he omitted this scene, Costa-Gavras said he lacked the verifiable data, this in the face of an avalanche of facts in the public domain. The lack of data did not deter him from fabricating or twisting scenes of "official violence," as he called it, to blacken the image of Mitrione or the Uruguayan government.

It may be argued that the single-minded mixture of omission, distortion, and outright fabrication was the result of Costa-Gavras and Solinas being taken in by the Tupamaros and the left-wing journalists in Montevideo who provided the "documents." This is not plausible. After all, Solinas is a member of the Communist Party of Italy and Costa-Gavras said they saw eye-to-eye.

The similarity of their Marxist worldview is revealed in many ways, including their original decision to call the film, *The Amerikan*, under which title it was released in Italy. They rejected this provocative title for the American audience, not because they regarded it as inaccurate, but because it might offend "many American friends whom we love and respect," as Solinas put it.

All substantial evidence indicates that the authors relied wholly on Tupamaro and other leftist propaganda sources. For apparent window dressing, the 80-page "documentary" section of their book includes a four-page bibliography with some diversity. They seemed to lean on several sensational "exposes" of American perfidy abroad. There is no evidence that they checked their propaganda material against more reliable sources, or even that they attempted to ascertain those few facts that can be wrung out of Communist newspapers by careful and critical reading.

Their charge that Mitrione was a torturer is a prime example of their malicious carelessness. They based it on a headline story that appeared first in the *Jornal do Brazil* in mid-August 1970, quoting Captain Alejandro Otero, a Montevideo police official, as saying that "Mitrione used methods of repression, violence, and torture." Independent research indicates that the story was surreptitiously inserted in the paper without the knowledge of its three correspondents who were in Montevideo. The denials of Otero and the correspondents that any such interview ever took place later appeared in the same paper. The torture allegation was also publicly repudiated by knowledgeable U.S. officials.

The facts on this and other issues were available from reliable papers or disinterested observers, assuming that Costa-Gavras and Solinas wholly distrusted American or Uruguayan officials. But they were not interested in truth. Only a contrived mixture of fact and fiction would serve their unambiguous propaganda purpose.

The reason for the film's existence, said Solinas, is American "imperialism, with its mechanisms of repression, its murders, its tortures. The occasion for the film was the capture and death of a person who symbolized this mechanism." Costa-Gavras added: we "also felt we had to make a movie" that would prompt the audience never again to regard "an American Embassy as just an embassy, but as a center of espionage, surveillance, and political pressure."

Given the commitment of Costa-Gavras and Solinas it was inevitable from the start that Mitrione would be found guilty and that his kidnapping and murder would not only be "rationalized," to use George Stevens' word, but also be justified, although Solinas appears to have some misgivings about the political efficacy of assassination. The Tupamaros, he says, like the "Black September fighters at Munich," did not want to kill their hostage, but they were "forced to execute him." Costa-Gavras goes further—in a rhetorical question, he asks: "Who killed him? The Tupamaros with three or four bullets, or the government, backed up by the American Embassy, which decided not to free the 150 political prisoners?"

Dan Mitrione was found guilty by the Tupamaro "people's court" because he was adjudged to be the willing agent of reaction and facism. He had to die, even though he was "as sincere as the judges of the Catholic Church during the Inquisition" because he was convinced he had to "cut down everything that is liberal or communistic and by any means possible." It was not a question of sentiment; in their eyes he never had any. The film gives the impression that the inexorable demands of the revolution required the blood of this man. Yet the decision was sanitized by the bus poll and romanticized by sparing the audience the brutality of the actual deed.

HAS THE FILM ANY REDEEMING VALUE?

With such a transparent propaganda objective, why did Costa-Gavras not present *State of Siege* as fiction rather than journalism? The answer appears clear. He was convinced that the documentary claim would more effectively serve his mercenary and missionary motives, and from the tone of many reviews, his judgment appears to be confirmed.

To Penelope Billiatt of the *New Yorker* it was a "thoughtful new political film," to Liz Smith in *Cosmopolitan*, "the most important political film of this decade," to Donia Mills of the *Washington Star-News* "powerfully reasoned," and to Archer Winsten of the *New York Post* it was of "inestimable value." *State of Siege* lives up to its claim of authenticity," said Joy Gould Boyum, of the *Wall Street Journal*, "in so far as the events we witness can be verified."

Most reviewers acknowledged that the film is highly critical of U.S. policy toward Latin America and is slanted in favor of the Tupamaros, but they disagree on the significance of its bias and the extent of its respect for the audience. Ms. Boyum says the film has "not fallen prey to its own fierce partisanship. It has recognized . . . the moral ambiguities of its world; it has allowed those it sympathizes with the agonies of self doubt; it has granted those it disagrees with humanity and intelligence. Most impressive of all, it treats its audience with respect."

It is beyond the scope of this essay to analyze why some critics found *State of Siege* a "powerfully reasoned" film of "inestimable value" or were impressed because it "treats its audience with respect," and why others, saw it as a "left-wing restaging of recent history."

One takes away from a film what one brings to it—up to a point. But what value can anyone extract from this grotesque caricature of American policy toward Latin America? With its vivid and titillating fare of small facts and big lies, it neither informs the intellect nor quickens the conscience. Laced with tired Marxist clichés and symbols calculated to discredit America—Cardinal Spellman, United Fruit, and Rockefeller interests—the film plays on the baser emotions of alienation, anger, withdrawal, and cynicism. How will different viewers be affected by the film?

The isolationist may be confirmed in his conviction that America has no business trying to work for peace and orderly development. The cynic may find justification for his cynicism.

The guilt-ridden, ashamed of American power and wealth, may find strange satisfaction in the whiplashes of two professional America-haters. The film will "be greeted with ecstasy wherever the premise that America is the world's No. 1 imperialist power is accepted without reservation," said Edward Behr in *Newsweek*.

To angry, idealistic, and frustrated students, the hypnotic simplicity of the virile and romantic Tupamaros may suggest a way out of their helplessness and alienation. To the Arthur Bremmers and Sirhan Sirhans with their twisted psyches, it may suggest one final act of political violence that will enshrine them in immortality.

Just as Solinas' *Battle of Algiers* was used as a training film by the Black Panthers and Weathermen, his new apology for revolutionary violence may help to encourage terror in the streets of America. If this happens, *State of Siege* will be "playing midwife to murder," to borrow a slogan from the Students for a Democratic Society.

Hopefully the film will not have these dire consequences. But even if it does not, it will hardly move its viewers to a more thoughtful and rational discussion of America's troubled relationship with the weaker and poorer countries of the world. Thoughtful, even angry, critiques of American foreign policy, when rooted in fact and honestly argued, can encourage a better understanding of the obligations and perplexities of American power, but this cynical fabrication of reality has no such redeeming value.

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